

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO.143/2018
IN CRIMINAL REVISION APPLICATION NO. _____/2018

Vishnu s/o Bhaskarrao Laibar ..vs.. State of Maharashtra thr.PSO P.S. Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. N. Nandeshwar, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : MAY 4, 2018

1. Heard Mr. Nandeshwar, Advocate for applicant and Mr. Rode, A.P.P. for non applicant-State.

2. This is an application for condonation of delay in preferring the revision. The revision is directed against the dismissal of the appeal filed on behalf of the applicant bearing Criminal Appeal No.90/2010 by the learned Additional Sessions Judge, Akola on 25.09.2017. The applicant was convicted by the learned Judicial Magistrate First Class, Court No.3, Akola in Regular Criminal Case No.888/2003 for an offence punishable under Section 324 of the Indian Penal Code and was directed to suffer rigorous imprisonment for 3 months and to pay a fine of Rs.500/-.

3. After dismissal of the appeal, the applicant is taken into custody. Presently, the applicant is in jail.

In that view of the matter, the application is allowed. The delay is condoned.

The application is disposed of.

Office is directed to register the revision.

Criminal Revision No. _____/2018

Heard learned counsel for the applicant.

Issue notice to the non applicant returnable on 11.06.2018.

Learned A.P.P. waives notice for the non applicant-State.

Call for the record and proceedings.

Criminal Application No. _____/2018

1. Heard.
2. This is an application for suspension of substantive jail sentence and for grant of bail.
3. The applicant is convicted by the learned Judicial Magistrate First Class, Court No.3, Akola in Regular Criminal Case No.888/2003 for an offence punishable under Section 324 of the IPC and was directed to suffer rigorous imprisonment for 3 months and to pay a fine of Rs.500/-. Being dissatisfied with the same, the applicant has preferred an appeal before the Additional Sessions Judge, Akola which was dismissed on 25.09.2017. The applicant was taken into custody on 25.4.2018 and since then he is in jail.

4. Looking to the quantum of punishment, I am of the view that the applicant can be released on bail till his revision application is decided. Hence, the following order is passed.

ORDER

(i) The substantive jail sentence awarded to the applicant in Regular Criminal Case No.888/2003 by Judicial Magistrate First Class, Court No.3, Akola and confirmed in Criminal Appeal No.90/2010 by Additional Sessions Judge, Akola on 25.09.2017 shall stand suspended during the pendency of the present revision application.

(ii) The applicant-Vishnu s/o Bhaskarrao Laibar be released on bail on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.

(iii) Bail before the trial Court.

The application is allowed and disposed of.

JUDGE