

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

CRIMINAL APPLICATION NO.340/2018 in CRI.REVN APPLN.4/2010
Bhaiya Fanduji Mungle Vs. The State of Maharashtra, through PSO, P.S. Swvagram.

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.
DATE : 26.10.2018

Heard Shri R.M.Patwardhan, learned counsel for the petitioner. He has submitted that judgment dated 21.08.2018 was pronounced in the absence of petitioner and his counsel. The operative part of the order was not known to the petitioner or his counsel. Therefore, the petitioner could not appear before the trial Court to execute bond. Therefore, the petitioner has filed the present application for extension time to execute bond and surety of good behaviour as per judgment/order dated 21.08.2018.

Shri Jawade, learned APP for non petitioner/State submitted that the judgment was pronounced on 21.08.2018. The petitioner was specifically directed to furnish surety of good behaviour and execute bond within 4 weeks, but the petitioner failed to do so and therefore, the application is not tenable and liable to be dismissed.

From the submissions of learned counsel for the petitioner, it appears that the judgment of conviction was upheld, but instead of sentencing the petitioner in jail, he was released on Bond of good behaviour as per the provisions of Section 4 of the Probation of Offenders Act. The judgment is in favour of the petitioner,

therefore he could have furnished the bond, if it was known to him.

Submission of learned counsel for the petitioner appears to be reasonable and proper. Therefore, the application is allowed. The Sessions Judge, Wardha, is directed to accept the bond of good behaviour as per the directions of this Court in judgment dated 21.08.2018 in Criminal Revision Application No.4/2010. The petitioner/accused is also directed to furnish surety bond of good behaviour within a period of one week.

Hamdast allowed.

JUDGE

Andurkar