

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.46 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.36 OF 2019**

Vivek V. Madane

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.S.B. Chandan for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 28, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused is convicted for the offences punishable under sections 354, 506 r/w 34 of the Indian Penal Code by order dated 10.5.2012 passed by the learned Judicial Magistrate First Class, Kadegaon District Sangli, and on each count, was sentenced to suffer 6 months R.I. and payment of fine of Rs.5,000/- and in default, was to suffer 1 month R.I. The said judgement and order was confirmed by the learned Sessions

Judge, Sangli by order dated 2.1.2019 in Criminal Appeal No.163 of 2012. Hence, the present Criminal Revision application and the Criminal application for bail and suspension of impugned sentence and conviction, pending revision.

3. The learned Counsel for the applicant submits that the applicant was on bail throughout the trial and the appeal period. He was taken into custody on 2.1.2019 by the order of the learned Sessions Judge. He submits that the applicant has a good case on merits and hence, prays for bail and suspension of sentence pending revision.

4. Learned Prosecutor submits to the orders of the Court.

5. Heard. In view of the fact that the applicant/accused was on bail throughout the trial and also the appeal period and also as there is no chance that the revision application will be heard in near future, the following order is passed:

ORDER

- i) Criminal Application No.46 of 2019 is allowed and the impugned judgement and conviction dated 10.5.2012 passed by the learned Judicial Magistrate First Class, Kadegaon,

Sangli, as also the order dated 2.1.2019 passed by the learned Sessions Judge, Sangli in Criminal Appeal No.163 of 2012 are suspended pending the revision application;

ii) The applicant/accused be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

iii) The applicant/accused shall make himself available on all the Court dates;

6. Criminal Application is disposed of accordingly.

7. Parties to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)