

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

**CRIMINAL APPLICATION NO.187 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.191 OF 2019**

Santosh Balaso Kharade ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.G.M. Mohite for the Applicant

Mrs.M.R. Tidke, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 2, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The Criminal Application is moved by the applicant/accused for suspension of the impugned judgment and sentence dated 13.3.2019 and also for bail pending the Criminal Revision Application. The applicant/accused was convicted under sections 279 and 338 of the Indian Penal Code by order dated 11.9.2013 passed by the learned JMFC, Kagal in Summary Criminal Case No.132 of 2011. The said order was challenged by way of Criminal Appeal No.155 of 2013, which was dismissed by the

learned Sessions Judge, Kolhapur, by order dated 13.3.2019, however, with a modification that the accused is sentence dt to suffer SI for 6 months under each charge of sections 279 and 338 of the Indian Penal Code.

3. The learned Counsel for the applicant/accused submits that applicant/accused has a good case on merits. The offences are bailable. The applicant/accused was on bail throughout the trial and also during the appeal.

4. Learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

- i) The impugned judgment and sentence dated 13.3.2019 is suspended pending revision;
- ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

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

6. List the Criminal Revision Application for admission on **2.7.2019.**

7. Criminal Application stands disposed of accordingly.

8. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)