

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 322 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 317 OF 2019

Prakash Bhauso Chavan	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. S. P. Kadam a/w Mr. P. P. Raut, for the Applicant.
Ms. J. S. Lohakare, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 28th JUNE, 2019.

P.C.:-

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] Heard the learned counsel for the applicant and the learned APP for the respondent. Perused the record.

3] The applicant has been convicted under section 451 and 354 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment of three months and pay a fine of Rs.500/- under section 451 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of six months and pay a fine of Rs.1000/- under section 354 of the Indian Penal Code by the learned Judicial Magistrate First Class, Rajapur, District - Ratnagiri in R.C.C. No. 24/2015 by its

Judgment and Order dated 24/05/2017. The Trial Court has directed that, the sentences to run consecutively.

4] The learned Session Judge, Ratnagiri while partly allowing the Criminal Appeal bearing No.18 of 2017 preferred by the applicant, has modified the clause No.4 of the trial Court Order and has directed that, the sentences imposed upon the applicant to run concurrently instead of consecutively by its Judgment and Order dated 21/06/2019.

5] The learned counsel for the applicant submitted that, the applicant has already deposited the fine amount in the Registry of Trial Court. As the maximum sentence imposed upon the applicant is six months of rigorous imprisonment and the possibility of the present Revision Application being heard on merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and release him on bail.

Hence the following Order :

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is hereby suspended.
- (ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.10,000/-

with one or two local sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court i.e. Judicial Magistrate First Class, Rajapur, District- Ratnagiri.

(iv) After his release from jail, the applicant shall attend the Court of the learned Judicial Magistrate First Class, Rajapur, District - Ratnagiri on every 1st Monday of the third month between 11.00 a.m. to 2.00 p.m. to mark his presence. If the 1st Monday of the said month falls on a holiday and/or non Court working day, the applicant shall mark his presence immediately on the next working day.

6] Application is allowed in the aforesaid terms.

All the concerned to act on authenticated copy of this Order.

(A.S. GADKARI, J.)