

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

**CRIMINAL APPLICATION NO.48 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.41 OF 2019**

1) Hemant Kisan Shahapurkar
2) Rajpal Shivaji Nagtilak

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.U.R. Agandsurve for the Applicants

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 6, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicants/accused have challenged the order dated 29.6.2015 passed by the learned Judicial Magistrate First Class, Solapur in R.C.C. No.986 of 2012 wherein both the applicants were convicted for the offences under sections 392 r/w 34 of the Indian Penal Code and under sections 170, 185, 385 of the Indian Penal Code. The maximum sentence awarded under different heads is 1 year imprisonment and fine amount. The said order

was challenged in Criminal Appeal No.94 of 2015 which was dismissed by the learned Sessions Judge, Solapur on 17.1.2019 and the order of the trial Court was confirmed.

3. The learned Counsel for the applicants/accused submits that both the applicants/accused were on bail throughout the trial and also during the appeal period. The present revision application will take considerable time to be finally heard. He further submitted that the applicants/accused undertake that they shall be available at the time of hearing of this Revision application. It is also submitted that the fine amount is deposited by both the applicants and the receipts are annexed to the application. Hence, he prays that the applicants/accused be bailed out and the impugned conviction and sentence be suspended, pending revision.

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

5. In view of the facts and circumstances and submissions of the learned Counsel, the following order is passed:

- i) The application for bail and suspension of sentence is allowed. The impugned judgement and order of conviction dated 29.6.2015 of the learned Judicial Magistrate First

Class, Solapur in RCC No.986 of 2012 is suspended, pending revision application.

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

iv) The applicants/accused shall make themselves available at the hearing the revision application.

v) The Revision application be listed on 10.4.2019.

6. Criminal application No.48 of 2019 is disposed of accordingly.

(MRIDULA BHATKAR, J.)