

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

**CRIMINAL APPLICATION NO.96 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.89 OF 2019
with
CRIMINAL REVISION APPLICATION NO.89 OF 2019**

Moses Samson ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Kiran Verma with Saurabh Nikalje i/b R.B. Mungekar for the Applicant

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

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 20, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant, who is the original accused No.2, is convicted vide order dated 18.2.2014 passed by the learned Metropolitan Magistrate, 15th Court, Mazgaon under section 408 of the Indian Penal Code and sentenced to suffer R.I. for 1 year and to pay a fine of Rs.5,000/- and i/d to suffer S.I. for 15 days. The said order was challenged by the applicant by filing Criminal Appeal No.584

of 2014, which was dismissed by order dated 5.2.2019. On the same day, the applicant/accused was taken into custody and hence, this application.

3. The learned Counsel for the applicant/accused submits the applicant/accused has a good case on merits. He was on bail throughout the trial and also during the appeal. He undertakes to remain present at the time of hearing of the revision application.

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 Criminal Application No.96 of 2019 is allowed and the impugned order of sentence is suspended.
- ii) The applicant/accused shall be released on bail upon furnishing a 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. Issue notice to the respondents in the Criminal Revision Application, returnable after 12 weeks.

7. Criminal Application No.96 of 2019 stands disposed of accordingly.

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

(MRIDULA BHATKAR, J.)