

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

**CRIMINAL APPLICATION NO. 426 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 405 OF 2019**

Ram Shripati Gite	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.K.K. Holambe Patil for Applicant.
Mr.R.M. Pethe, APP for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2019.

PC. :

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

2] The applicant is convicted under Section 279, 304(a), 337, 338 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act and is sentenced to suffer maximum imprisonment for 18 months and to pay total fine of Rs. 4600/- by the learned learned Judicial Magistrate, First Class, Nashik-Road, Nashik, in New Summary Criminal Case No. 290

of 2016 (Old S.C.C. No.1843 of 2012) by its Judgment and Order dated 6th May 2017. By the same Order, the Trial Court has also directed the applicant to pay compensation of Rs.50,000/- to the legal heirs of deceased Sunil Kisan Nanavare and Ravsaheb Runja Warangse.

The Criminal Appeal No. 104 of 2017 preferred by the applicant has been turned down by the learned Additional Sessions Judge-5, Nashik, by its Judgment and Order dated 7th August 2019.

3] The learned counsel for the applicant submitted that, the applicant has already deposited fine amount in the Registry of the Trial Court. He further submitted that, the applicant has also deposited the said amount of compensation of Rs.50,000/- in the Registry of the Trial court.

4] As the maximum sentence imposed upon the applicant is 18 months of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.

(b) The procedure for bail be complied with before the trial Court.

(c) After his release from jail, the applicant shall attend the trial Court on every first Monday of every third month between 11.00 am and 2.00 pm and mark his presence. If the said Monday comes on a holiday 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.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]