

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**CRIMINAL REVISION NO. 185 OF 2019
(Nilesh Purushottam Bamnote & Anr. V/s State of Maharashtra)
WITH
CRIMINAL APPLICATION NO. 244 OF 2019**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. S. S. Jaiswal, Advocate for Applicants.
Mr. Amit Chutke, APP for Respondent – State.

**CORAM : MRS. SWAPNA JOSHI, J.
DATE : AUGUST 19, 2019.**

P.C.

. Heard. Issue notice to the Respondent, returnable after four weeks.

2. Mr. Chutke, the learned APP waives service of notice on behalf of Respondent – State.

CRIMINAL APPLICATION NO. 244 of 2019

. By this Application, the Applicants pray for suspension of jail sentence imposed upon them by the learned Judicial Magistrate First Class, Dhamangaon Railway, District Amravati on 25th September, 2013 in Regular Criminal Case No. 320 of 2009 and upheld by the Additional Sessions Judge, Amravati on 8th August, 2019 in Criminal

Appeal No.192 of 2013 and to release them on bail.

2. The Applicants – Accused are convicted for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961 by the learned Judicial Magistrate First Class, Dhamangaon Railway and sentenced to suffer simple imprisonment for eight months each and to pay a fine of Rs. 3000/-each, in default, to suffer simple imprisonment for one month each.

3. I have heard Mr. Jaiswal, the learned Counsel for the Applicant and Mr. Chutke, the learned APP for the Respondent – State.

4. The Applicants were on bail during the pendency of trial before the learned Judicial Magistrate First Class, Dhamangaon Railway as well as during the pendency of Criminal Appeal before the learned Additional Sessions Court, Amravati. The learned Counsel for Applicants submits that Applicants have deposited the fine amount in the trial court.

5. The learned APP has formally opposed to grant suspension of sentence and grant of bail to the Applicants.

6. Considering the nature of offence, considering the fact that during the trial period both the Applicants were on bail and also considering the contention of the learned Counsel for Applicants that talks of settlement are going on between the parties, the Applicants need to be released on bail and sentence is required to be suspended. Hence the following order.

ORDER

- (A) Criminal Application No. 244 of 2019 is allowed.
- (B) The substantive jail sentence imposed against the Applicants by the learned Judicial Magistrate First Class, Dhamangaon, District Amravati for the offence punishable under Section 4 of the Dowry Prohibition Act, 1961 in Regular Criminal Case No.320 of 2009 on 25th September, 2013 and upheld by the Additional Sessions Judge, Amravati on 8th August, 2019 in Criminal Appeal No. 192 of 2013 shall remain suspended during the pendency of the present Criminal Revision.
- (C) Both the Applicants shall be released on bail by executing fresh bonds in the sum of Rs. 15,000/- each in the trial court.
- (D) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the Applicants.

(E) The applicants shall remain personally present before this Court at the time of final hearing of the present Revision.

7. The Criminal Application stands disposed of accordingly.

(MRS. SWAPNA JOSHI, J.)

Yadav VG