

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPR] NO.255 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.195 OF 2019
 [Vinod s/o Sadashiv Kodape .vs. State of Maharashtra]

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 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

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 Shri VN. Morande, Advocate for Applicant,
 Shri I.J. Damle, APP for Respondent.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : OCTOBER 04, 2019.

Heard.

The applicant has filed this application for suspension of sentence under section 397 r/w 401 of the Code of Criminal Procedure.

The applicant has been convicted for the offence punishable under Section 498-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.2000/-, in default to suffer rigorous imprisonment for one months. He is also convicted for the offence punishable under section 292 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay a fine of Rs.1000/- in default to suffer rigorous imprisonment for one month. He is also convicted for the offence punishable under section 67 of the Information and Technology Act and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.2000/- in default to suffer rigorous imprisonment for one month.

The learned advocate for the applicant submits that all throughout the applicant was on bail and he has not misused the liberty. However, after dismissal of the appeal, he has been taken into custody and sent to the District Prison, Nagpur. The learned advocate for the applicant contended that the applicant has deposited the fine amount before the learned trial Court. He submits that the applicant has made out a case for grant of bail.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant was on bail during the trial and the substantive jail sentence was already suspended and the applicant was released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the revision finally by this Court in near future due to pendency of old matters, I am of the view that the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order :

ORDER

- 1] Criminal Application No.255/2019 is allowed.
- 2] The substantive jail sentence imposed against the applicant shall remain suspended during the pendency of the present revision.
- 3] The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4] The applicant shall remain personally present before this Court at the time of final hearing of the revision.

Criminal Application stands disposed of.

JUDGE