

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

CRIMINAL APPLICATION (APPLN) NO.269/2019

IN

CRIMINAL REVISION APPLICATION NO.204/2019
(Manoj @ Manohar s/o Ashokrao Mendhekar vs. The State of
Maharashtra: Through PSO Nandanvan Nagpur)

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

Court's or Judge's order

Mr. R.M. Patwardhan, Advocate for the applicant
Mr. T.A. Mirza, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED :16.09.2019

By this Application, the applicant prays for suspension of jail sentence and grant of bail. The applicant has been convicted by learned Assistant Sessions Judge, 14 Nagpur holding him guilty for offence punishable u/s 307 IPC and 4/25 of the Arms Act. For offence punishable u/s 307 of IPC he was sentenced to suffer RI for five years and to pay a fine of Rs. 2000/- in default, to suffer SI for six months. For the offence punishable u/s 4/25 the applicant was sentenced to suffer RI for one year and to pay a fine of Rs. 1000/- in default to suffer SI for a period of three months.

The said sentence was reduced by learned Addl. Sessions Nagpur whereby the applicant was sentenced to suffer RI for three years and fine of Rs. 5000/- in default SI

for six months for offence punishable u/s 307 IPC; and was further sentenced to suffer RI for one year and to pay a fine of Rs 2000/- in default, SI for three months for offence punishable u/s 4/25 of the Arms Act.

I have heard Shri R.M.Patwardhan, learned counsel for the applicant and Mr. T.A. Mirza, learned A.P.P. for the respondent.

The learned Advocate for applicant submits that the applicant is aged about 68 years and all throughout he was on bail during the pendency of trial as well as appeal. He has not misused the liberty granted to him in any manner. It is further submitted that the applicant has also deposited the fine amount in the trial Court.

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 he was released on bail by the learned trial Judge and also considering that he has not misused the liberty, 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. 269/2019 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Addl.Sessions Judge, Nagpur, in

Criminal Appeal No. 46/2011 dated 21.08.2019 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 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 applicant.

5) The applicant shall remain personally present before this Court at the time of final hearing of the Revision.

The Application stands disposed of.

CRIMINAL REVN.NO. 204/2019

Heard.

Admit.

Call R & P.

Mr.T.A. Mirza, learned APP waives notice on behalf of the respondent.

Put up after three weeks

JUDGE