

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

CRIMINAL APPLICATION [APPR] NO.296 OF 2019

IN

CRIMINAL REVISION APPLICATION NO.42 OF 2013

[Lankeshwar Sheshrao Hirudkar .vs. The State of Maharashtra]

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

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Court's or Judge's orders

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Shri R.S. Thakur, Advocate for the applicant,
Shri Amit Chutke, APP for Respondent.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : OCTOBER 04, 2019.

Heard.

The applicant has filed this application for suspension of sentence and grant of bail under section 389 of the Code of Criminal Procedure.

The applicant has been convicted for the offence under Sections 279 of the Indian Penal Code and sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.500/-, in default to suffer simple imprisonment for 15 days. He is also convicted for the offence under section 337 of the Indian Penal Code and sentenced to suffer simple imprisonment for 15 days. He is also convicted for the offence under section 304-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and fine of Rs.2000/- in default to suffer simple imprisonment for 30 days.

The learned advocate for the applicant submitted that Criminal Revision Application No.42/2013 was dismissed in default due to non appearance of the counsel for the applicant at the time of final hearing. The applicant was thereafter taken into custody by the J.M.F.C. Court at Narkhed, District-Nagpur on 16.9.2019. He further submits that the applicant was on bail and he has deposited the fine amount. In view thereof, the applicant is entitled for 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.296/2019 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. Hamdast granted.

CRIMINAL REVISION APPLICATION NO.42 OF 2013

The matter be listed for final hearing after Diwali vacation.

JUDGE

Gulande