

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL I.A. NO. 813 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 60 OF 2021

Ahmad Arif Khan

....Applicant.

Vs.

The State Of Maharashtra & Anr.

....Respondents.

Mr. Rajendra Rathod a/w Mr. Sohail Ahmed for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent No.1-State.

CORAM : A. S. GADKARI, J.

DATE : 5th MARCH, 2021.

P.C.:-

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 Heard Mr. Rathod, learned Advocate for the Applicant and Smt. Ambekar, learned APP for the Respondent-State.

3 The Applicant is convicted under Sections 279, 337, 338, 304(A) of the Indian Penal Code and under Section 184 of the Motor Vehicles Act and is sentenced to suffer imprisonment till rising of the Court and also directed to pay compensation of Rs.2 lakh each to the family members of deceased Rohit Pravin Mehta and Pranay Narsinha Ghate, by the Judicial Magistrate, First Class, Islampur by its Order dated 30th September, 2015, in Summary Criminal Case No. 375 of 2011.

4 Feeling aggrieved by the sentence of imposition of fine, the Applicant had preferred Criminal Appeal No.87 of 2015. The father of deceased Pranay Ghate i.e. Respondent No.2 herein had also preferred Criminal Appeal No.94 of 2015 for enhancement of sentence.

5 Learned Additional Sessions Judge, Islampur by its common Judgment and Order dated 25th February, 2021 was pleased to dismiss the Appeal preferred by the Applicant bearing No.87 of 2015 and allowed the Appeal preferred by the Respondent No.2 on the point of inadequacy of sentence. The Appellate Court, by its impugned Judgment and Order has modified the Judgment and Order passed by the Trial Court and enhanced sentence of rigorous imprisonment for two years from the sentence of imposition till rising of the Court. The Appellate Court has also imposed total fine of Rs.4,000/- upon the Applicant.

6 Mr. Rathod, learned counsel for the Applicant submitted that, on the date of pronouncement of Judgments and Order itself, the Applicant has been taken into custody by the Appellate Court for undergoing sentence. He further submitted that, the Applicant has already deposited entire fine amount in the Registry of the Appellate Court.

7 The sentence imposed upon the Applicant is short term sentence and the possibility of hearing of the present Revision Application on its own merits in near future is remote. In view thereof, the sentence imposed upon the Applicant can be suspended and he can be released on

bail.

Hence the following Order:-

- a) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- b) Applicant be released on bail in Summary Criminal Case No. 375 of 2011, on his furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount.
- c) After his release from Jail and during the pendency of the present Revision Application, the Applicant shall attend Kurlap Police Station, District Sangli on every first Monday of the month between 10.00 a.m. and 12.00 noon, initially for a period of one year.

Thereafter, the Applicant shall attend the Kurlap Police Station, District Sangli on every first Monday of the every 3rd Month between 10.00 a.m. and 12.00 noon. The Applicant thus, shall attend Kurlap Police Station, District Sangli, 4 times in a year during the pendency of the present Revision Application.

- d) If the Applicant commits two consecutive defaults in complying with condition No. (c) above, in that event, the prosecution will be at liberty to file an Application

for cancellation of bail.

8 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

Sanjiv S.
Mashalkar

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by Sanjiv S.
Mashalkar
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