

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Interim Application No. 2468 / 2021
in
Criminal Revision Application No. 183 / 2021

Sanjay Maruti Sabale .. Applicant

Versus.

The State of Maharashtra .. Respondent

Mr. Akshay R. Kapadia, Advocate for the Applicant.

Smt. S.V. Sonawane, APP for State.

CORAM : SANDEEP K. SHINDE J.

DATE : 30th NOVEMBER, 2021.

P.C. : -

1. This Revision questions legality, correctness and propriety of order of conviction under Sections 325 and sentence to suffer two years imprisonment and conviction under Section 506 of IPC and sentence to suffer rigorous imprisonment for six months, recorded in R.C.C. No. 132/2009 and confirmed in the Criminal Appeal No. 01/2018 vide decision dated 9th September, 2021.

2. Heard. Learned Counsel for the Applicant and learned Prosecutor for the State. Perused the judgments of the trial Court and Appellate Court.

3. Pending trial and appeal, the Applicant-accused was released on bail and pending proceedings, he has not misused the liberty. Herein, Complainant is brother of the Applicant. The alleged incident of assault, had occurred on 28th July, 2009 at Sabalewadi. First Information Report was filed in Mumbai on 1st August, 2019. Whereafter, investigation was transferred to Dhabewadi Police Station, Tal. Patan, Dist. Satara. Complainant case is that he had suffered fracture to right leg, in a attack held by the Applicant, in Sabalewadi. However, for a treatment, Complainant admitted himself in Hospitals at Mumbai. Therefore, it is Applicant case that the Prosecution case was improbable, in as much as Complainant, although had suffered fracture to leg, had travelled considerable distance, from Satara to Mumbai. Thus, submitted trial Court and Appellate

Court, both, have not appreciated the evidence in right perspective and as such evidence requires proper scrutiny. Thus, a case is made out for admitting the Revision Application. "Revision is admitted."

4. Call record and proceedings from the trial Court/ Appellate Court.

5. Pending revision, the sentence awarded in R.C.C. No. 132/2009 by the J.M.F.C. Patan, is suspended.

6. The Applicant is directed to be released on same terms and conditions, as he was during the pendency of the trial and appeal. Bail bond to be furnished in the trial Court, with fresh surety.

7. Interim Application is disposed of.

(SANDEEP K. SHINDE, J.)

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by MOHAMMAD
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Date: 2021.11.30
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