

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 722 OF 2022 IN
CRIMINAL REVISION APPLICATION NO. 68 OF 2022

1. Yunuskhan S/o Yusuf Khan
 2. Imrankhan S/o Yusuf Khan
 3. Farukhkhan S/o Yusuf Khan
- Applicants

Versus

State of Maharashtra

Respondent

Mr. S. G. Ladda, Advocate for the applicants.
Mr. S. B. Narwade, APP for respondent/State.

CORAM : M.G. Sewlikar, J.
DATE : 25th FEBRUARY, 2022.

PER COURT :

1. Heard Shri Ladda, learned counsel for the applicants. He submits that the informant had made some indecent calls to the applicants who are real brothers. He submits that the applicants confronted the informant as to why she was making such obnoxious calls. There was simple quarrel between the applicants and the informant and the informant has given completely different colour to this quarrel. He submits that there is delay of two days in lodging the First Information Report. They are neighbours and out of political rivalry, this complaint has been filed. He further submits

that the quantum of sentence is one year only. He further submits that the mother of the applicants is suffering from Breast Cancer. He has annexed documents to that effect also.

2. Considering this and in view of the judgment of the Honourable Supreme Court in the case of Bhagwan Rama Shinde Gosai vs. State of Gujrat, 1999 AIR (SC) 1859, and considering the quantum of sentence, I am inclined to suspend the sentence. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Substantive sentence is suspended till the disposal of the revision.
- iii) Each of the applicants be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety each in the like amount.
- iv) Bail in the trial Court.
- v) Hamdast allowed.
- vi) Applicant stands disposed of.

(M. G. SEWLIKAR)
Judge