

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1782 OF 2022 IN
CRIMINAL REVISION APPLICATION NO. 170 OF 2022**

Bajirao s/o Baburao Chavan

Applicant

Versus

The State of Maharashtra

Respondent

Mr. K. B. Bhise, advocate for the applicant.

Mr. B. V. Virdhe, APP for the Respondent-State.

**CORAM : SANDIPKUMAR C. MORE, J.
(VACATION COURT)**

DATE : 31st May, 2022.

PC :

1 Heard learned Counsel for the applicant as well as learned A. P. P. on behalf of the Respondent-State.

2 By way of this application, the applicant i.e. original accused no.6 in RCC No.1545/2000, is seeking suspension of sentence of rigorous imprisonment for one year and fine of Rs.10,000/-, in default, to suffer simple imprisonment for six months, for the offence punishable

under Section 414 of the Indian Penal Code, awarded to him by the Additional Sessions Judge, Aurangabad, under judgment and order dated 26.05.2022, in Criminal Appeal No. 265/2011, during the pendency of Criminal Revision Application No.170 of 2022.

3 Learned Counsel for the applicant submits that originally present applicant i.e. original accused no.6 was also convicted for the offence under Section 420 read with Section 34 of the Indian Penal Code and for other offences, however, the appellate Court has convicted the present applicant only for the offence under Section 414 of the Indian Penal Code, as mentioned above. It is submitted by the learned Counsel for the applicant that the fine amount, imposed by the Additional Sessions Judge, Aurangabad, has already been deposited by the applicant and he has also surrendered himself and at present he is in jail.

4 Learned A. P. P. has strongly opposed the application.

5 Admittedly, the applicant is in jail as he has obeyed the order of learned Additional Sessions Judge, Aurangabad, in Criminal Appeal No. 265 of 2011. However, the applicant is convicted only for the offence punishable under Section 414 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of one year, against which Criminal Revision Application No. 170 of 2022 is pending. It is to be noted here that the applicant, during pendency of trial of RCC as well as appeal, was released on bail and he did not misuse the said liberty.

6 Considering the same, I, therefore, pass the following order:

(i) Criminal Application No. 1782 of 2022 is hereby allowed.

(ii) In view of Section 401 of the Code of Criminal Procedure, the substantive sentence of rigorous imprisonment

awarded to applicant – Bajirao Baburao Chavan, for the offence punishable under Section 414 of the Indian Penal Code in Criminal Appeal No. 265 of 2011, by the learned Additional Sessions Judge, Aurangabad, under judgment and order dated 26.05.2022, is hereby suspended during the pendency of Criminal Revision Application No. 170 of 2022 and till then, the applicant is hereby released on bail on execution of P. R. bond of Rs. 15,000/- (Rs. Fifteen Thousand) along with one solvent surety for the like amount.

(SANDIPKUMAR C. MORE)
JUDGE

adb