

(1)

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

**CRIMINAL APPLICATION NO.1853 OF 2022  
IN  
CRIMINAL REVISION APPLICATION NO.302 OF 2019**

Balu s/o Kisanrao Shejwalkar                      ..APPLICANT

**VERSUS**

The State of Maharashtra                      ..RESPONDENT

Mr. Dhanraj S. Ingole , Advocate holding for Mr. N.S. Ghanekar,  
Advocate for applicant;  
Mr. A.A. Jagatkar, A.P.P. for respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 17<sup>th</sup> June, 2022**

**P.C.**

1. The learned Counsel for the applicant would submit that the Courts below have not appreciated the evidence in proper perspective. The applicant has a strong case on merits. The applicant is languishing behind the bars. He has been convicted by the Trial Court and his conviction is upheld by the learned Sessions Court, Aurangabad. The applicant has not misused the liberty granted to him. He is labour by occupation. Hence, the corporal sentence may be suspended.

(2)

2. The application is opposed on the ground that there are two consecutive convictions against the applicant. There is a little scope in the revision. However, there are no reports of misuse of the liberty granted to him during the trial and the appeal.

3. The applicant has arguable points in the matter. The revision may take its own time.

4. Considering the issues involved in this case, this Court is of the view that the corporal sentence deserve to be suspended till the disposal of the revision. Hence, the order:-

The corporal sentence imposed by the Trial Court and confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.260 of 2011, is suspended till the disposal of the revision application.

The applicant be released on bail on executing P.B. and S.B. of Rs.15,000/- with one solvent surety of the like amount.

(3)

Bail be furnished before the first appellate Court.

Hamdust allowed.

**(S. G. MEHARE, J.)**

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