

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2059 OF 2022 IN
CRIMINAL REVISION APPLICATION NO.188 OF 2022

NITIN SAMBHAJIRAO SARWADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abhinay D Khot
APP for Respondent / State : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 01-07-2022

PER COURT :-

1. Heard the learned counsel for the applicant. He would submit that the accused is convicted for the offences punishable under Section 332, 353 and 506 of the Indian Penal Code and sentenced to suffer two months simple imprisonment. The Appellate Court confirmed the Judgment of the trial Court. The applicant has a good case on merits. There are contradictions and omissions in the evidence. The fine amount is deposited. The material question of law in regard to the applicability of Section 353 of I.P.C. is involved. The applicant has arguable points in the matter. The revision may take its own time. Considering the submissions of learned counsel for applicant and issue involved in this case, this Court is of the view that the sentence deserve to be

suspended till the disposal of the revision.

2. Hence, the following order -

- i) The sentence imposed by the learned Judicial Magistrate First Class, Court No. 3, Kaij, District Beed, in Regular Criminal Case No. 13 of 2012 and confirmed by the learned Additional Sessions Judge, Ambejogai, District Beed, in Criminal Appeal No. 33 of 2015, is suspended till the disposal of the revision application.
 - ii) 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.
 - iii) Bail be furnished before the first Appellate Court.
3. Issue notice to the respondent/State, returnable on 21.07.2022
4. The learned A.P.P. waives service of notice for respondent/State.
5. Call for record and proceedings.

(S. G. MEHARE)
JUDGE