

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

**CRIMINAL APPLICATION NO.2101 OF 2022  
IN REVN/191/2022**

**GOVIND BABU KOKATE  
VERSUS  
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : MR. C.C. Deshpande h/f Mr. U.P. Uttarwar  
APP for Respondent/State : Mr. A.A. Jagatkar

...

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

**DATED : 30<sup>th</sup> JUNE, 2022.**

**PER COURT:-**

1. Learned counsel for the applicant would submit that the applicant has been taken in custody after the appeal was dismissed by the learned Sessions Judge at Osmanabad. The conviction of the applicant for the offence punishable under Section 324 of the Indian Penal Code has been confirmed. The applicant has deposited the fine amount. The material contradiction damaging the prosecution case have not been considered by the Trial Court as well as the Appellate Court. Therefore, the applicant has good case on merit. He prayed for suspension of the sentence. Hence, the following order :

**ORDER**

- I) The criminal application is allowed.
- II) The order imposing the corporal punishment i.e. sentencing the applicant in R.C.C. No.206 of 2014 passed by the learned Judicial Magistrate First Class, Kalamb, Court No.2 and

confirmed by the learned Sessions Judge in Criminal Appeal No.58 of 2016 by its order dated 24.06.2022, is suspended till conclusion of the revision.

III) The applicant be released on bail on furnishing P.B. and S.B. of Rs. 15,000/- (Fifteen Thousand) with one solvent surety in the like amount.

IV) Bail before the Appellate Court.

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