

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.202 OF 2022
WITH
APPLN/2176/2022 IN REVN/202/2022

SANTOSH PRAKASH AARTE
VERSUS
THE STATE OF MAHARASHTRA

.....
Mr. R.H. Wagh, Advocate for the Applicant
Mr. A.A. Jagatkar, APP for Respondent/State
.....

[CORAM : S.G. MEHARE, J.]

DATE : 6th JULY, 2022

Per Court :

1. Heard the learned counsel for the applicant. He would submit that the applicant has been sentenced to suffer R.I. for six months and a fine of Rs.1,000/- for the offence punishable under Section 392 of the Indian Penal Code. The conviction and sentence imposed by the learned Magistrate has been confirmed by the Sessions Court. The fine amount has been deposited. The learned counsel for the applicant also submits that the applicant has been convicted only on suspicion. There is no direct evidence against him. The applicant has been roped in a false crime. There are strong grounds to argue.

2. Having regard to the arguments advanced by the learned counsel for the applicant, it appears that the applicant has an arguable case. Hence, the following order -

ORDER

(i) The execution of sentence imposed by the learned Judicial Magistrate, First Class (Court No.15) Aurangabad, in S.C.C.No.1735 of 2016 by judgment and order dated 01.02.2019 and confirmed by the learned Additional Sessions Judge (Court No.10), Aurangabad, in Criminal Appeal No. 38 of 2019 by judgment and order dated 28.06.2022, is suspended till the conclusion of revision.

(ii) The applicant shall be released on bail on executing P.B. and S.B. of Rs. 15,000/- (Rupees Fifteen Thousand Only) with one solvent surety of the like amount.

(iii) Bail before the Sessions Court

(iv) Issue notice to the respondent. Learned APP waives notice for the respondent-State.

(v) Call Record and Proceedings.

(vi) Criminal application No. 2176 of 2022 stands disposed of.

[S.G. MEHARE, J.]