

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

**CRIMINAL APPLICATION NO.2187 OF 2022
IN REVN/203/2022**

**MASOOD DAWOOD KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Abhijeet P. Avhad
APP for Respondent/State : Mr. G.O. Wattamwar

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CORAM : S.G. MEHARE, J.

DATED : 07th JULY, 2022.

PER COURT:-

1. The petitioner-accused has been convicted and sentenced to suffer R.I. for six months for the offence punishable under Section 279 and 337 and R.I. for one year for the offence punishable under Section 338 of the Indian Penal Code with a fine of Rs.1,500/- and 1,000/- each. The appeal preferred by the applicant before the Sessions Judge has been dismissed confirming the sentence.

2. Learned counsel for the applicant would submit that the fine amount has been deposited. The applicant has a good case on merit. The term rash and negligent driving has not been correctly interpreted by the learned Magistrate and the Sessions Court. He has a arguable point in the revision.

3. Considering the submissions, the following order is passed :

ORDER

- I) The criminal application is allowed.
- II) The order imposing the corporal punishment i.e. sentencing the applicant in S.C.C. No.1665 of 2015 passed by the learned Judicial Magistrate First Class, Court No.8, Aurangabad dated 20.03.2017 and confirmed by the learned Additional Sessions Judge, Court No.11, Aurangabad in Criminal Appeal No.57 of 2017 by its order dated 30.06.2022, is suspended till conclusion of the revision.
- III) The applicant, Masood Dawood Khan Pathan, 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.)