

(1)

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

**CRIMINAL REVISION APPLICATION NO.204 OF 2022
WITH
CRIMINAL APPLICATION NO.2220 OF 2022**

**Nitin Vasantao Bhamre
VERSUS
The State of Maharashtra**

Mr Satej S. Jadhav, Advocate for applicant;
Mr V.M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 12th July, 2022

PC.

1. Learned counsel for the applicant would submit that the applicant is the husband. He is convicted for the offences punishable under Sections 498-A and 323 read with Section 34 of the Indian Penal Code. The order of conviction passed by the learned Judicial Magistrate First Class has been confirmed by the learned Sessions Judge by order dated 17.6.2022 passed in Criminal Appeal No.86 of 2016.

2. The learned Counsel for the applicant would submit that the question of appreciation of the evidence may fall for consideration. The evidence against the applicant is not sufficient to hold him guilty.

(2)

The applicant never misused the liberty granted to him during the trial and appeal. He is a permanent resident of Dhule, District Dhule. He has a good case on merit. Therefore, the sentence may be suspended.

3. After having gone through the record, there appears substance in the arguments advanced by the learned Counsel for the applicant. Hence, the following order:-

- I) The substantive sentence shall stand suspended.
- ii) The applicant be released on bail on executing P.B. and S.B. of Rs.20,000/- with one solvent surety of the like amount.
- iii) Bail before the learned Ad hoc Additional Sessions Judge, Jalgaon.
- iv) Issue notice to the respondent, returnable on 4.8.2022.
- v) Learned A.P.P. waives service of notice on behalf of the respondent.
- vi) Call R & P.

(S. G. MEHARE, J.)

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