

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2251 OF 2022
IN CRIMINAL REVISION APPLICATION NO. 208 OF 2022

NARENDRA PAULAD PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Amarjitsing B. Girase
APP for Respondent : Mr. V. M. Kagne

CORAM : S. G. MEHARE, J.
DATE : 13-07-2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable on 04.08.2022.
3. Learned APP waives service of notice for respondent/State.
4. The applicant has been convicted for the offences punishable under Sections 354A, 323 and 504 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year with fine of Rs.5000/- for the offence punishable under Section 354A of the IPC and in default to pay the fine he shall suffer simple imprisonment for two months, sentenced to suffer rigorous imprisonment for three months with fine of Rs.1000/- for the offence punishable under Section 323 of the IPC and in default to pay the fine he shall suffer simple imprisonment for fifteen days, and sentenced to suffer rigorous imprisonment for three months with fine of Rs.1000/- for the offence punishable under Section 504 of the IPC and in default to pay the fine he shall suffer simple imprisonment for fifteen days.

5. Learned counsel would submit that fine amount has already been deposited. The judgment of conviction passed by the learned Magistrate has been confirmed by the Sessions Court. The applicant is a law abiding person. He has good chances of success in the revision. The evidence has not been correctly appreciated. The law point is involved in the revision. Hence, sentence may be suspended.

6. Learned APP has strongly opposed the application contending that the offence is serious. Hence, the sentence is not liable to be suspended.

7. Perused the impugned Judgments and orders. There is nothing to believe that the applicant has misused the liberty granted to him during the course of trial and appeal. There appears arguable grounds in the present revision. This appears to be a fit case to exercise power under Section 389 of the Code of Criminal Procedure. Hence, the following order -

- i) Application is allowed.
- ii) The substantive sentence imposed against the applicant by impugned Judgments and orders shall stand suspended.
- iii) The applicant Narendra Paulad Patil be released on bail on executing PB and SB of Rs.20,000/- with one solvent surety of like amount.
- iv) Bail before the learned Sessions Court.

(S. G. MEHARE)
JUDGE