

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

**921 CRIMINAL APPLICATION NO.2333 OF 2022
IN REVN/212/2022**

**JAYRAM BUDHA BHOI
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Sant Tapan Kishor.
APP for Respondent-State : Mr. A. A. Jagatkar.

...

**CORAM : S. G. MEHARE, J.
DATE : 21.07.2022**

PER COURT :-

1. Issue notice to the respondent-State. The learned APP waives the service of notice for the State. Notice returnable forthwith.
2. Heard the learned counsel for the applicant and the learned APP for the State.
3. Learned counsel for the applicant would submit that the applicant has been convicted for the offences punishable under Sections 504, 506 and 509 of the IPC by the Trial Court and has imposed the fine of Rs.3,000/- in total. The applicant has deposited the fine amount and has preferred the appeal before

the learned Sessions Judge. The learned Sessions Judge was pleased to allow the appeal partly and set aside the conviction for the offences punishable under Sections 504 and 506 of the IPC. However, confirmed the conviction under Section 509 of the IPC. The applicant was sentenced to suffer S.I. for one month with fine of Rs.1,000/- for the offence punishable under Section 509 of the IPC.

4. Learned counsel for the applicant has argued that the findings have not been correctly recorded by both the Courts below, and erroneously held the applicant guilty. He has a good case on merit. Therefore, corporal sentence may be suspended.

5. Perused both the judgments passed by the learned Trial Judge and the learned Sessions Judge. There appears grounds for the arguments to the applicant. Considering the material placed before this Court, this Court is of the view that this is a fit case to exercise the discretion under Section 389 of the Cr.P.C. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The sentence imposed against the applicant by the Trial Court, confirmed by the Sessions Court in Criminal Appeal No.50 of 2018 is suspended till the disposal of the revision.
- (iii) The applicant shall be released on bail on executing PB. and S.B. of Rs.20,000/- with one solvent surety of the like amount.
- (iv) Bail before the learned Additional Sessions Judge-2, Amalner.

(S. G. MEHARE, J.)

...

vmk/-