

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

902 CRIMINAL APPLICATION NO. 2432 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 221 OF 2022

RAJENDRA S/O HARISHCHANDRA WANI
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. Chaitanya C. Deshpande
APP for Respondent-State : Mrs. P. V. Diggikar
.....

CORAM : BHARAT P. DESHPANDE, J.

DATED : 27 JULY 2022

PER COURT :-

1. By way of present application, the applicant is praying for suspension of sentence and grant of bail in connection with the sentence passed by the learned Magistrate and confirmed by the first appellate court.

2. The applicant was prosecuted before the learned Magistrate at Parola in R.C.C. No. 92 of 1994 for the offence punishable under Sections 408, 468, 477-A r/w 34 of IPC. After trial, the applicant was convicted by the learned Magistrate for the offence punishable under Section 408 r/w 34 of IPC and sentenced to suffer six months simple

imprisonment and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for two months, for the offence punishable under Section 468 r/w 34 of IPC to suffer three months simple imprisonment and to pay fine of Rs.2,500/-, in default to suffer one month simple imprisonment and for the offence punishable under Section 477-A r/w 34 of IPC to suffer three months simple imprisonment and to pay fine of Rs.2,500/-, in default to suffer one month simple imprisonment. It is reported that during trial before the Magistrate, the applicant was on bail.

3. The applicant challenged the said judgment and order of conviction before learned Sessions Court vide Criminal Appeal No. 26 of 2018. Learned Additional Sessions Judge-2, Amalner dismissed the said appeal vide order dated 22.07.2022 thereby confirming the judgment and sentence awarded by the learned Magistrate.

4. The applicant was on bail before the first appellate court during appeal.

5. There is no material to show that the applicant violated the conditions of bail while facing trial before the trial court as well as during pendency of the appeal. Hence the order:

ORDER

I. The application is allowed.

II. The substantive sentence awarded by the learned Magistrate vide judgment and order dated 17.05.2018 in R.C.C. No. 92 of 1994 and confirmed by the learned Additional Sessions Judge-2, Amalner vide order dated 22.07.2022 in Criminal Appeal No. 26 of 2018 is hereby suspended till pendency of the present criminal revision application.

III. The applicant be released on bail on furnishing PR bond of Rs.15,000/- with one solvent surety in the like amount. Bail to be furnished before the Court of Additional Sessions Judge, Amalner.

IV. The criminal application stands disposed off.

6. Parties to act on an authenticated copy of this order uploaded on the internet.

BHARAT P. DESHPANDE, J.