

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

**CRIMINAL APPLICATION NO. 2433 OF 2022
IN REVN/222/2022**

**YOUNUS BABULAL PINJARI
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. G. R. Syed
APP for Respondents: Smt. G. L. Deshpande

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CORAM : BHARAT P. DESHPANDE, J.

DATED : 29th JULY 2022

PER COURT :

Heard.

2. This is an application for suspension of sentence and grant of bail. Applicant was found guilty by the learned Magistrate at Chalisgaon for the offence punishable under section 324 of Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/-, in default to suffer simple imprisonment for one month. The learned Magistrate, however, acquitted the accused/applicant for the offence punishable under section 323, 504 and 506 of Indian Penal Code.

3. Applicant challenged the said judgment and conviction before the learned Sessions Judge at Jalgaon vide Criminal Appeal No.40 of 2016. While deciding the said appeal, the learned Sessions Judge confirmed the conviction and sentence of the applicant, thereby rejecting the appeal. However, in para

no.3 of the operative part of order dated 11th July 2022, the learned Sessions Judge directed the applicant to surrender before the learned Magistrate at Chalisgaon on 01st August 2022. It shows that the learned Sessions Judge failed to take the applicant in custody while pronouncement of the Judgment.

4. Be that as it may, learned counsel for the applicant submitted that applicant was on bail during trial proceedings as well as before the Appellate Court and he did not violate any condition of bail. He submitted that applicant is having good chance to succeed in Revision Application filed before this Court. Therefore, he prayed that the applicant be released on bail by suspending the sentence. Hence the order:

ORDER

- (I) Criminal application stands allowed.
- (II) The substantive sentence awarded by the first Appellate Court by confirming the order of the learned Magistrate at Chalisgaon is hereby suspended till final decision of Criminal Revision Application.
- (III) The applicant shall be released on bail on furnishing P.R. bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the learned Magistrate at Chalisgaon.
- (IV) Criminal application stands disposed of.

(BHARAT P. DESHPANDE, J.)