

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

**CRIMINAL APPLICATION NO. 2509 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 226 OF 2022**

1. Dnyaneshwar s/o Abaji Jamre
Age : 45 years, Occu. Agri.,
2. Abaji s/o Narayan Jamre
Age : 68 years, Occu. Agri.,
3. Murlidhar s/o Abaji Jamre
Age : 41 years, Occu. Agri.,
4. Nagorao @ Narayan s/o Abaji Jamre
Age : 34 years, Occu. Agri.,

All R/o. Kurunda, Tq. Basmathnagar,
Dist. Hingoli.

.. Applicants

Versus

The State of Maharashtra
Through Police Station Officer

.. Respondent

Mr. S. S. Gangakhedkar, Advocate for the Applicants.
Mrs. G. L. Deshpande, APP for Respondent.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 05th AUGUST, 2022.

PER COURT:-

1. Heard.
2. This is an application for suspension of sentence and grant of bail.
3. The learned counsel for the applicants submits that the parties have in

fact, settled their dispute and compromise terms have filed before the First Appellate Court. Such compromise terms were kept for consideration keeping the question open regarding admissibility of it at the first appeal stage and more particularly, when the applicants were found guilty for the offence by the learned Magistrate and convicted under Section 498-A r/w Section 34 of the Indian Penal Code.

4. The learned First Appellate Court did not accept such compromise terms while deciding appeal and confirmed the conviction, but modified the sentence.

5. The learned counsel for the applicants submits that even at the appeal stage, compromise terms could be accepted as held in the case of **Ramgopal and another Vs. State of Madhya Pradesh** reported in **2021 SCC Online SC 834**.

6. In view of the above submissions and the fact that the parties have already settled their dispute, the submissions required to be considered on merits in the revision petition and therefore, till that time sentence awarded by the First Appellate Court needs to be suspended. Hence, the following order.

ORDER

(I) The application is allowed.

(II) The substantive sentence awarded by the learned Magistrate and modified by the learned First Appellate Court is hereby suspended.

The applicants shall be released on furnishing personal bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety to the satisfaction of the learned Magistrate.

(III) Parties to act upon authenticate copy of this order.

(IV) The application stands disposed of accordingly.

(BHARAT P. DESHPANDE, J.)

P.S.B.