

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

**CRIMINAL APPLICATION NO. 2569 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 233 OF 2022**

1. Ajinath Dada Kshirsagar
Age : 42 years, Occu. : Agril.,
2. Dada S/o. Rambhau Kshirsagar,
Age : 65 years, Occu. : Agri.,
Both R/o Bose, Tq. Karjat,
District Ahmednagar .. Applicants

Versus

The State of Maharashtra and another .. Respondents

Mr. Sanket S. Jangule, Advocate h/f Mr. Rahul R. Karpe, Advocate for the Applicants.

Mr. S. P. Tiwari, APP for Respondent No. 1.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 05th AUGUST, 2022.

PER COURT:-

1. Leave to amend prayer clause (B) by adding sections under which the applicants are convicted. Amendment to be carried out forthwith.
2. This is an application for suspension of sentence and grant of bail filed by the applicants.
3. Heard the learned counsel for the applicants and the learned APP for the State.

4. It is the contention of the applicants that they are found guilty by the learned Magistrate Karjat, District Ahmednagar in RCC No. 203/2016 dated 25.01.2019 for the offence punishable under Section 324 r/w Section 34 of the Indian Penal Code and sentenced to suffer imprisonment for a period of three (03) months.

5. The applicants challenged the said judgment in Criminal Appeal No. 125/2019, however, the learned Additional Sessions Judge, Shrigonda rejected the appeal. Both the applicants were taken into custody to serve the sentence. It is submitted that fine amount is already deposited. The learned Additional Sessions Judge modified the sentence and added simple imprisonment for a period of three (03) months and in default simple imprisonment for a period of one (01) month.

6. The learned counsel for the applicants submits that it is not the case covered under Section 324 of the Indian Penal Code and stick as well as stone cannot be considered as deadly weapon.

7. It is a fact that, both the applicants were on bail throughout the trial as well as during appeal period. There are no allegations of violating bail conditions. The grounds raised in the revision petition needs to be considered on merits and therefore, till the decision of the present revision, the applicants could be enlarged on bail suspending the sentence. Hence,

the following order.

ORDER

- (I) The application stands allowed.
- (II) Substantive sentence awarded by the Courts below stands suspended till the disposal of the revision petition. The applicants shall be released on furnishing personal bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety in the like amount to the satisfaction of the learned Magistrate.
- (III) The application stands disposed of accordingly.

(BHARAT P DESHPANDE, J.)

PS.B.