

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

**CRIMINAL APPLICATION NO. 2637 OF 2022
IN REVN/236/2022**

**DADA SHAMRAO KHARADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Narayan B. Narwade
APP for Respondent – State : Mrs. P. V. Diggikar
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 11th AUGUST 2022

PER COURT :

This is an application for suspension of sentence and grant of bail.

2. Heard Mr. Narwade, learned counsel for applicants and Mrs. P. V. Diggikar, learned APP for respondent-State.

3. Applicants were prosecuted before the learned Judicial Magistrate First Class at Karjat in Regular Criminal Case No.204 of 2016 for the offence punishable under section 324, 323, 504, 506 read with 34 of Indian Penal Code.

4. Vide Judgment dated 4th December 2018 applicants were found guilty for the offence punishable under section 324 and 323 of Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay

fine of Rs.2000/- each, in default of payment of fine to undergo simple imprisonment for one month. The accused persons were acquitted for the offences punishable under sections 504 and 506 of Indian Penal Code. Applicants deposited fine amount on 04th December 2018 itself.

5. The applicants challenged the said Judgment by Criminal Appeal No.123 of 2018 (Old Criminal Appeal No.270 of 2018). Learned Additional Sessions Judge at Shrigonda vide its Judgment dated 3rd August 2022 dismissed the said appeal, thereby confirming conviction, however, reduced sentence for a period of three months. Fine amount retained as awarded by the learned Magistrate.

6. Learned counsel for applicants submits that all the applicants were on bail during trial before the Magistrate as well as first Appellate Court and there is no complaint with regard to misuse of bail conditions. He submitted that there are grounds in the present revision to succeed and therefore the substantive sentence be suspended.

7. On perusal of the grounds raised in the Revision Application together with the fact that all the accused persons were on bail throughout during trial, they are entitled for the relief as claimed in the present Revision Application, since there is no possibility of deciding the Revision Application in near future. Hence the order :

ORDER

- (I) The application is allowed.
 - (II) The substantive sentence awarded by the courts below stands suspended till the disposal of present Criminal Revision Application.
 - (III) Applicants be released on bail on furnishing PR bond of Rs.15,000/- each with one solvent surety in the like amount to the satisfaction of the learned Magistrate.
 - (IV) The Criminal Application stands disposed off.
8. Parties to act on an authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)