

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

**CRIMINAL APPLICATION NO. 2693 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 242 OF 2022**

**VIKRAM CHANDRAKANT MISAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Wakale Shriraj R.
APP for State : Mr. S. P. Tiwari

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**CORAM : BHARAT P. DESHPANDE, J.
DATE : 18th AUGUST 2022.**

Per Court :

1. Leave to amend the prayer Clause at Sr. No.2 by adding the details of the order passed by the First Appellate Court. Amendment to be carried out forthwith.
2. This is an application for suspension of sentence and grant of bail. The Applicants were found guilty for the offence punishable under Sections 420, 465, 468, 471, 199 and 200 read with 34 of the Indian

Penal Code by the Chief Judicial Magistrate in R.C.C. No. 01/2011 and sentenced to suffer rigorous imprisonment for two years for the offence under Section 420 read with 34 and pay fine of Rs.1000/- and in default to suffer imprisonment for three months.

3. The Applicants were also convicted for the offence punishable under Section 465 read with 34 of IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- and in default to suffer simple imprisonment for three months.

4. The Applicants were also convicted for the offence punishable under Section 468 read with 34 of IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- and in default to suffer simple imprisonment for three months.

5. The Applicants were also convicted under Section 471 read with 34 of IPC and sentenced to suffer rigorous imprisonment for six months and to pay of Rs.500/- and in default to suffer simple imprisonment for two months.

6. The Applicants were also convicted for the offence under Section 199 read with 34 of IPC and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.500/- and in default simple imprisonment for two months.

7. Lastly, the Applicants were convicted for the offence under Section 200 read with 34 of IPC and sentenced to suffer rigorous imprisonment for three months and to pay fine or Rs.500/- and in default to suffer simple imprisonment for two months.

8. The Applicants challenged on the said conviction in Criminal Appeal No. 214/2016. Vide judgment dated 12.08.2022, learned Additional Sessions Judge, Ahmednagar dismissed the appeal and confirmed conviction and sentence awarded by the learned Chief Judicial Magistrate. Both the Applicants were taken into custody to suffer imprisonment.

9. Learned Counsel for the Applicants submits that the fine of amount awarded by the Courts below is already paid.

10. Learned Counsel for the Applicant submits that both the Applicants were on bail through out the trial as well as during the period of appeal. He submits that the false complaint was lodged due to previous enmity and is having good grounds to argue the Revision Application thereby challenging both the orders.

11. Considering the facts that Applicants were on bail and that Revision Application requires to be considered on merits, they are entitled for the relief in the present application. Hence the following order.

ORDER

- (i) The Criminal Application stands allowed.
- (ii) The substantive sentences awarded by the Courts below against the Applicants stands suspended till the disposal of Revision Application.
- (iii) Both the Applicants shall be released on bail on furnishing Personal Bond of Rs. 15000/- each with one solvent surety in the like amount to the satisfaction of the learned Magistrate.

12. In view of this, the Criminal Application is disposed of accordingly.

[BHARAT P DESHPANDE, J.]

Najeeb.