

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 2860 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.254 OF 2022

POPAT @ PAPPU EKNATH DEVARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Jadhav Kiran D
APP for Respondents: Mr. S.P. Tiwari
.....

CORAM : BHARAT P. DESHPANDE, J.
DATED : 25th AUGUST 2022

PER COURT:-

1. This is an application for suspension of sentence and grant of bail.
2. Heard learned counsel for the applicant and learned A.P.P. for the respondent No.1 State.
3. The applicant was prosecuted for the offence punishable under Section 354 of I.P.C. before the learned Magistrate at Kannad vide R.C.C. No. 179 of 2014. Vide judgment dated 20.7.2017 the learned Magistrate found the applicant guilty for the said offence and sentenced him to suffer R.I. for one year and to pay fine of Rs.5000/- i/d to undergo S.I. for one month.
4. The applicant had challenged the said conviction before the

learned Sessions Court at Aurangabad vide Criminal appeal No. 140 of 2017. The learned Additional Sessions Judge, Aurangabad vide judgment and order dated 19.8.2022 dismissed the appeal.

5. Learned counsel for the applicant submits that during pendency of the proceedings compromise took place between the parties. However, since the offence under Section 354 of I.P.C. is not compoundable, hence, both the courts failed to consider the said aspect. He then submitted that the evidence of the prosecution is not sufficient enough to prove guilty of the applicant.

6. Considering the above aspects and arguable points are raised in the revision application, substantive sentence imposed against the applicant needs to be suspended till disposal of revision application. Hence, I pass the following order:-

O R D E R

- I. Criminal application stands allowed.
- II. The substantive sentence awarded by the courts below vide impugned judgment and orders are suspended till disposal of revision application.
- III. The applicant shall be released on bail on furnishing personal

bond of Rs.15,000/- with one solvent surety of the like amount to the satisfaction of the learned Magistrate.

IV. Criminal application therefore, stands disposed of.

(BHARAT P. DESHPANDE, J.)

rlj/