

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

**CRIMINAL APPLICATION NO. 2923 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 260 OF 2022**

Kashinath Tukaram Shinde .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Sanjay A. Wakure, Advocate for the Applicant.

Mr. S. P. Tiwari, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 13th SEPTEMBER, 2022.

PER COURT :-

1. Heard the learned advocate for the applicant. The learned advocate states that the applicant is convicted for the offence punishable under Section 408 of the Indian Penal Code (for short "IPC") and is sentenced to suffer simple imprisonment of one (01) year and to pay fine of Rs. 2000/- (Rs. Two Thousand only) in default to suffer further simple imprisonment for a period of two (02) months. For the offence punishable under Section 467 of the IPC, the applicant is sentenced to suffer simple imprisonment of one (01) year and to pay fine of Rs. 1000/- (Rs. One Thousand only) and in default to suffer further simple imprisonment for a period of one (01) month. For the

offence punishable under Section 468 of the IPC, he is sentenced to suffer one (01) year simple imprisonment and to pay fine of Rs. 1000/- (Rs. One Thousand only) and in default to suffer simple imprisonment for a period of one (01) month. For the offence punishable under Section 471 of the IPC, he is sentenced to suffer simple imprisonment for six (06) months and to pay fine of Rs. 500/- (Rs. Five Hundred only) in default to suffer simple imprisonment for a period of one (01) month. All the offences are directed to run concurrently by the judgment and order dated 13.01.2016 by the Chief Judicial Magistrate, Osmanabad.

2. The applicant then preferred appeal bearing Criminal Appeal No. 10/2016 before the learned Sessions Judge, Osmanabad. The learned Additional Sessions Judge, Osmanabad by judgment and order dated 10.08.2019 was pleased to dismiss the appeal. The applicant is immediately taken into custody. The learned advocate submits that since the date of judgment and order passed by the learned Sessions Judge, the applicant is in jail. He has already deposited the amount of fine for obtaining bail before the learned Appellate Court. The case is made out for notice to respondent in the criminal revision application. He prays for suspension of sentence and to release the applicant on bail.

3. Considering the above submissions and considering that the sentence is only for one (01) year and the applicant has already deposited the fine amount.
4. In the interest of justice, the application is allowed.
5. The applicant be released on bail on furnishing P. R. bond of amount of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one surety in the like nature. Till the disposal of the criminal revision application, his sentence shall remain suspended.
6. Criminal application is disposed accordingly.
7. Parties to act upon authenticate copy of this order.

(KISHORE C. SANT)
JUDGE

PS.B.