

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

**CRIMINAL APPLICATION NO. 3024 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 272 OF 2022**

Nitin Indrasen Pardeshi

.. Applicant

Versus

The State of Maharashtra
Through Police Inspector

.. Respondent

Mr. Hanumant P. Jadhav, Advocate for the Applicant.
Mrs. G. L. Deshpande, 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 he has filed revision application challenging the judgment and order passed by the learned Additional Sessions Judge-6, Aurangabad dated 05.09.2022 and Criminal Appeal No. 170/2017. By way of impugned judgment and order, the learned Appellate Court has dismissed the appeal and confirmed the judgment and order passed by the learned Judicial Magistrate First Class, Court No. 10, Aurangabad dated 07.09.2017 in R.C.C. No. 1975/2014. By way of the judgment and order dated 07.09.2017, the learned J.M.F.C. has held the applicant guilty of an offence punishable under Sections 354-A, 452, 323, 506 of

the Indian Penal Code (for short “IPC”). Further the order is passed to pay the informant a compensation after realization of the fine amount. The sentence awarded is rigorous imprisonment for six (06) months and fine of Rs. 3000/- (Rs. Three Thousand only) in default simple imprisonment of one (01) month, rigorous imprisonment for six (06) months and fine amount of Rs. 2000/- (Rs. Two Thousand only) in default simple imprisonment of one (01) month and then simple imprisonment of one (01) month respectively for the abovesaid offences. All these sentences are directed to run concurrently. Thus, the maximum period of sentence is six (06) months. The learned advocate further submits that the amount of fine is already deposited while securing bail before the Appellate Court.

2. The learned advocate for the applicant further submits that considering the short sentence and considering that he has good case on merits in the revision application, his sentence be suspended and the applicant be released on bail.

3. In view of the above, I pass the following order.

ORDER

(I) The Criminal Application No. 3024/2022 in Criminal Revision Application No. 272/2022 is allowed.

(II) The applicant be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only). The applicant to furnish solvent surety in the like amount.

(III) The sentence awarded by the leaned J.M.F.C. by judgment and order dated 07.09.2017 in R.C.C. No. 1975/2014 shall stand suspended.

(IV) The application is disposed of accordingly.

(KISHORE C. SANT)
JUDGE

PS.B.