

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

**907 CRIMINAL APPLICATION NO. 3108 OF 2022
IN REVN/275/2022**

**ASLAMKHAN BASHIRKHAN
VERSUS
THE STATE OF MAHARASHTRA**

Mr.Atmaram J. Patil, Advocate for the applicant.
Mr.S.P. Tiwari, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 30.09.2022**

PC :-

01. Heard learned Advocate for the applicant.

02. The learned Judicial Magistrate, First Class, Raver convicted and sentenced the applicant for the offence punishable under section 279, 337, 304-A of the Indian Penal Code. The learned Judicial Magistrate, First Class acquitted the applicant for the offences punishable under section 338 of the IPC and sections 184 r/w 181 of the Motor Vehicles Act. The maximum sentence is awarded for the offence punishable under section 304-A of the IPC, wherein the applicant was sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.3000/-. In the appeal, the learned Sessions Judge, Bhusawal by his judgment and order dated 19.07.2022 allowed the appeal partly and modified the sentence. Now the maximum sentence for the offence punishable under section 304-A of the IPC is reduced to simple imprisonment for three months.

03. The learned Advocate for the applicant states that pursuant to the judgment and order the applicant has surrendered yesterday i.e. on 29.09.2022. The fine amount was already paid in the lower Appellate Court, while suspending the sentence.

04. Considering that notice is issued in the main criminal revision application and considering that the sentence is a short sentence and that the amount of fine is already paid, the following order is passed :-

O R D E R

- i) The Criminal Application is allowed.
- ii) The substantive sentence of the applicant stands suspended.
- iii) The applicant be released on bail on executing PR bond of Rs.15,000/- (Rupees Fifteen Thousand) and one solvent surety in the like amount.
- iv) Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]