

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 3187 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 282 OF 2022

MADHUKAR KAMAJI KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. More P. P.
APP for Respondent/State : Mr. S. P. Tiwari

...

CORAM : KISHORE C. SANT, J.
DATE : 4th OCTOBER 2022.

Per Court :

Heard.

1. Learned Advocate for the Applicant submits that the Applicant is convicted by the learned Judicial Magistrate First Class, Osmanabad in RCC No. 91/2011 vide judgment and order dated 07.04.2015 by which the learned JMFC held the Applicant guilty for an offence punishable under Sections 468, 471 and 420 of the Indian Penal Code, 1860 (IPC for short). Applicant was directed to suffer Rigorous Imprisonment (RI

for short) for one year and to pay fine of Rs.1000/- and in default to undergo further RI for three months for all offences. These sentences were directed to run concurrently. Therefore, the Applicant preferred an appeal. In the appeal, the learned Additional Sessions Judge, Osmanabad by judgment and order dated 06.09.2022 in Criminal Appeal No. 23/2015 has altered the sentence by maintaining the conviction. The sentence is altered and now Applicant is directed to suffer Simple Imprisonment (SI for short) for one month and the amount of fine is forfeited and the accused was directed to surrender. It is this judgment and order, which is challenged by the Applicant by filing Criminal Application No.3187/2022 in the Revision Application No.282/2022. Notice is also issued in this Revision Application.

2. Learned Advocate for the Applicant submits that the Applicant has already surrendered. He points out that considering the short sentence i.e. only one month of SI and considering that the Revision Application may not come for hearing in the immediate future, he prays for suspension of all these sentences and release on bail in connection with the judgment mentioned above.

3. Considering the submission and the fact that it is a short sentence; notice is already issued in the Criminal Revision Application and the fine is already paid, hence the following order.

ORDER

- (i) The substantive sentence awarded by the learned JMFC, Osmanabad vide judgment and order dated 07.04.2015 in RCC No.91/2011 and as altered by the learned Additional Sessions Judge, Osmanabad by judgment and order dated 06.09.2022 in Criminal Appeal No. 23/2015, is suspended.
- (ii) The Applicant shall be released on bail on furnishing P. R. Bond in the sum of Rs.25000/- with one solvent surety in the like amount.
- (iii) Parties to act upon authenticated copy.
- (iv) With these, the Criminal Application is disposed of.

[KISHORE C. SANT, J.]

Najeeb.