

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

942 CRIMINAL APPLICATION NO.2883 OF 2021
IN REVN/169/2021

1. SITARAM NAMDEO WABLE
2. SULOCHANA SITARAM WABLE
3. PANDHARINATH SITARAM WABLE
4. SIDDHANATH MADHUKAR SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Satej Jadhav h/f. Kolse Patil Madhukar Gajanan
APP for Respondents/State : Mr. V.S. Badakh

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CORAM : M.G. SEWLIKAR, J.
DATE : 16th February, 2022

PC.:-

Heard.

2. Applicants are convicted of the offence punishable under Section 326 read with Section 34 of the I.P.C. and sentenced to suffer rigorous imprisonment for two years with fine of Rs.200/- in default to suffer rigorous imprisonment for two months. Applicants are also convicted under Section 325 read with Section 34 of the I.P.C. and are sentenced to suffer rigorous imprisonment for one year with fine of Rs.500/- in default to suffer rigorous imprisonment for two months. Appeal preferred by the applicants came to be partly allowed.

3. Learned Appellate Court acquitted applicant nos.2 to 4 under Section 326 and 325 of the I.P.C. but convicted them under Section 323 of the I.P.C. and sentenced them to suffer simple imprisonment for six months with fine of Rs.500/- in default to suffer simple imprisonment one month. This order is challenged in this revision. Having considered the quantum of sentence and the pandemic situation created due to Covid-19, revision is not likely to come up for hearing in near future. Therefore, I am inclined to suspend the substantive sentence. Hence the following order is passed:

ORDER

- I) Criminal Application is allowed.
- II) Substantive sentence is suspended till the disposal of the revision.
- III) Applicants be released on PR bond of Rs.15,000/- each with one solvent surety in the like amount each.
- IV) Bail in the trial Court.

[M.G. SEWLIKAR, J.]