

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

932 CRIMINAL APPLICATION NO.3865 OF 2022  
IN REVN/336/2022

DAMODHAR SONAJI KHADE  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gangakhedkar Shailendra S.  
APP for Respondent-State : Mr. K. S. Patil.  
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**CORAM : S. G. MEHARE, J.**  
**DATE : 22.11.2022**

**PER COURT :-**

1. Learned counsel for the applicant would submit that the applicant has a good case on merit. Learned counsel for the applicant has raised an issue whether the effect of amending provisions shall be applied to the cases pending under the same Act. Considering the grounds raised by the learned counsel for the applicant, there appears a good case for argument. However, after the dismissal of the appeal, the applicant has been taken into custody. The fine amount has been deposited.

2. Considering the grounds raised, the Court is of the view that this is a good case for exercising the discretion under Section 389 of the Cr.P.C. Hence, the following order :

**ORDER**

- (i) Criminal Application is allowed.
- (ii) The sentence to suffer S.I. for six (6) months imposed by learned Judicial Magistrate First Class, Court No.5, Aurangabad by its judgment and order dated 26.04.2010 passed in RCC.No.1614 of 2001 and confirmed by the learned Additional Sessions Judge, Court No.8, Aurangabad by its order dated 18.11.2022 passed in Criminal Appeal No.92 of 2010 is suspended till the conclusion of the revision petition.
- (iii) The applicant be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount.
- (iv) Bail before the learned Additional Sessions Judge, Court No.8, Aurangabad.

**(S. G. MEHARE, J.)**

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