

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

CRIMINAL APPLICATION NO.4415 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.373 OF 2022

ANANDA BABARAO KHULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Ms S G Sonwane, Advocate for applicants.
Mr. K S Patil APP for Respondent State

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CORAM : S. G. MEHARE, J.
Dated : December 23, 2022

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PER COURT :-

1. Learned counsel for the applicants submits that the Court convicting the accused for the offence punishable under section 324 r/w 34 of the Indian Penal Code have failed to appreciate the evidence. The applicant has a good case on merits. They never misused or jumped over the bail granted to them. Applicants have their roots in village Ganpur, Tq. Ardhapur, District Nanded. Hence, the sentence imposed against them may be suspended.

2. Learned APP opposes the application. He submits that there are two concurrent judgments against the applicants. There is no error on the face of the record convicting the applicants. Hence, the sentence may not be suspended.

3. Perused the impugned orders. The applicants have good grounds for arguments. There were no complaints of misusing the bail granted to them and tampering with the prosecution witnesses. Hence, the applicants deserve suspension of sentence. In the result, following order is passed.

O R D E R

- i. Criminal application is allowed.
- ii. The sentence of imprisonment imposed by the learned Judicial Magistrate First Class, Ardhapur, District Nanded on applicant nos. 1 to 4 to suffer R.I. for 2 years and to pay fine of Rs.500/- each, for the offence punishable under section 324 r/w section 34 of the IPC by its judgment and order passed in RCC No.18 of 2011 dated 18.6.2015 and confirmed by the learned Additional Sessions Judge-1, Nanded

aaa/-

in Criminal Appeal No.61 of 2015 by order dated 15.12.2022 stands suspended till the decision of Criminal Revision Application no.373 of 2022.

- iii. The applicant nos. 1 to 4 be released on bail on executing PB and SB of Rs.50,000/- (Rs. Fifty Thousand) each, with one solvent surety of the like amount by each of them.
- iv. Bail before the learned Additional Sessions Judge-1, Nanded.

(S. G. MEHARE, J.)

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