

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2473 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.301 OF 2022

Said Yusuf Bangi	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Rakesh R. Bhatkar with Mohan N. Devkule and Mohit Dalvi,
Advocate for applicant.
Mr.A.R.Patil, APP for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th July 2022

PC :

1. The applicant has been convicted vide judgment and order dated 3rd March 2017 passed Judicial Magistrate, First Class, Shirala in SCC No.202 of 2014 for the offence under Sections 279, 304-A of Indian Penal Code and under Section 184 of Motor Vehicle Act. He has been sentenced to suffer imprisonment of three months for the offence u/s.279 of IPC and Section 184 of Motor Vehicle Act. He has been sentenced to suffer imprisonment of one year for the conviction for offence u/s.304A of IPC. The appeal challenging said judgment and order of conviction was dismissed by Additional Sessions Judge, Islampur vide judgment and order dated 19th July 2022 in Criminal Appeal No.5 of 2017 and judgment of Trial Court was confirmed.

2. Learned advocate for applicant submitted that there was no negligence on the part of applicant. The incident had occurred on account of the fact that bus had stopped at the bus stop which was

followed by victim. The applicant was driving his vehicle behind the victim. Since the victim had stopped all of a sudden, the incident had happened. “the applicant was on bail during trial as well as during appeal.

3. Considering the submissions and the fact that sentence imposed by the Trial Court is of short term, sentence can be suspended and bail can be granted to the applicant.

ORDER

- (i) Interim Application is allowed and disposed off;
- (ii) The sentence of imprisonment vide judgment and order dated 3rd March 2017 passed Judicial Magistrate, First Class, Shirala in SCC No.202 of 2014, is suspended during pendency of Criminal Revision Application No.301 of 2022, and applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of six weeks in lieu of sureties;
- (iv) The applicant shall attend Trial Court once in six months on first Saturday of the month till disposal of the Criminal Revision Application;
- (v) In the event there are two consecutive defaults in attending the Trial Court, the Trial Court shall submit report to this Court;
- (vi) In the event of default committed by the applicant in attending the Trial Court, the prosecution will be at liberty to prefer application for cancellation of bail.

(PRAKASH D. NAIK, J.)