

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 150 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 17 OF 2021**

Rajendra Tatoba Galave ...Applicant
Versus
The State Of Maharashtra ...Respondent

....

Mr. Datta Mane, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

....

**CORAM : PRAKASH D. NAIK, J.
DATE : 28th SEPTEMBER, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail during the pendency of the revision application. The applicant has been convicted vide judgment and order dated 17.06.2014 passed by the learned J.M.F.C. Court No.5, Kolhapur in SCC No.4150 of 2009. The applicant is convicted for offences punishable under Sections 304-A, 279 & 338 of Indian Penal Code and Section 184 of the Motor Vehicles Act. For offence under Section 279 of Indian Penal Code, the applicant is sentenced to suffer imprisonment of three months and to pay fine of Rs.1,000/-. For offence under Section 304-A and Section 338 of Indian Penal Code, the applicant is sentenced to suffer imprisonment of 6

months and 3 months respectively on each count. Substantive sentences were directed to run concurrently. It was further directed that, out of fine amount, Rs.20,000/- be given to the wife of the deceased under Section 357 of Cr.PC. The judgment of the trial Court was confirmed by the Sessions Court vide judgment and order dated 6th January, 2020 passed in Criminal Appeal No.117 of 2014.

2. It is submitted that the applicant has surrendered to custody today. The applicant was a ST driver. It is the case of accident. The victim was driving motor vehicle. His wife was pillion rider. It is alleged that the applicant was driving rashly and negligently which caused the accident and resulted in death of the victim. It is submitted that, maximum sentence awarded by the Courts below is of six months. The applicant was on bail during trial and during the pendency of appeal. If the sentence is not suspended, the revision application would become infructuous.

3. Learned APP submitted that there are two concurrent findings of the Courts. There is sufficient evidence against the applicant.

4. Considering the issue involved in this application, the fact that the sentence is of six months and the applicant was on bail

during the trial and during the pendency of appeal and he has surrendered to custody, the sentence of imprisonment can be suspended. Hence, I pass the following order:

ORDER

- i. Interim Application No. 150 of 2021 is allowed;
- ii. The sentence of imprisonment imposed vide Judgment and order dated 17.06.2014 passed by learned J.M.F.C., Court No.5, Kolhapur in SCC No.4150 of 2009 and confirmed by judgment and order dated 06.01.2020 passed by the Sessions Court in Criminal Appeal No.117 of 2014 is suspended and the applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.15,000/- for a period of eight weeks in lieu of surety;
- iv. The applicant shall attend the trial Court once in six months on first Saturday of the month till further orders;
- v. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)