

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1286 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.167 OF 2022

Chandrakant Ramji Waghmare and Others ...Applicants
vs.
The State of Maharashtra ...Respondent

Mr. Manas Gawangkar, for the Applicants.
Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM : N. J. JAMADAR, J.
DATE : APRIL 21, 2022

P.C.:

I.A.No.1286 of 2022:-

1. The applicants have preferred this application for suspension of sentence during the pendency of the revision.

2. The applicants were prosecuted in the CC No. 218/PW/2006 and by judgment and order dated 6th May, 2019 the applicant Nos. 1 to 3 were convicted for the offences punishable under sections 324, 504 and 506(ii) read with 34 of Indian Penal Code, 1860 (the Code) and sentenced to suffer simple imprisonment for three months, two months, and two months on the respective counts, with fine of Rs. 500/- each on each of the count with default stipulation.

3. The applicants preferred an appeal, being Criminal Appeal No.

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461 of 2019. By the judgment and order dated 7th January, 2022 the appeal was partly allowed. The applicants were acquitted of the offence punishable under section 504 of the Code. The applicant Nos. 2 and 3 were convicted for the offence punishable under sections 323 read with 34 of the Code, instead of offence punishable under section 324 of the Code and were ordered to undergo simple imprisonment for one month on the said count. The order of conviction of the applicant No. 1 for the offence punishable under section 324 of the Code and that of applicant Nos. 1 to 3 for the offence punishable under section 506(ii) of the Code and the sentences were maintained.

4. Being aggrieved the applicants are in revision.

5. The applicants were on bail during the pendency of the trial and appeal. The short sentences have been imposed on the applicants.

6. Hence, during the pendency of this revision, the substantive sentence stands suspended and the applicants are ordered to be released on bail on furnishing a P.R. Bond in the sum of Rs. 15,000/- each and a surety in the like amount to the satisfaction of the learned Magistrate.

7. For a period of four weeks, the applicants be released on furnishing cash security in lieu of surety.

8. The applicants shall regularly attend this proceeding.

9. Interim Application stands disposed.

Revision Application NO.167 of 2022:-

10. Heard the learned counsel for the parties.

11. Admit.

12. Issue notice to the respondent.

13. Learned APP waives service for the respondent.

14. The revision application be listed on 25th July, 2022.

(N. J. JAMADAR, J.)