

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

**INTERIM APPLICATION NO.1687 OF 2022  
IN  
CRIMINAL REVISION APPLICATION NO.224 OF 2022**

Pradip Sudhakar Gutte

.. Applicant

***Versus***

State of Maharashtra

.. Respondents

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Mr.Shantanu Kadam i/b. Mr.Gaurav Parkar, Advocate for the Applicant.

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

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**CORAM : PRAKASH D. NAIK J.**

**DATED : JUNE 10, 2022.**

**P.C. :**

This is an application for suspension of sentence and grant of bail during the pendency of the Revisions Application preferred by the applicant challenging the conviction.

2           The applicant has been convicted for the offence under Sections 304-A and 279 of IPC by the Court of learned J.M.F.C., Murud, *vide* judgment and order dated 16<sup>th</sup> July, 2015. He was sentenced to suffer imprisonment of one year and six months on each

count. The said judgment was challenged by preferring Appeal. The Appellate Court i.e. Ad-hoc Additional Sessions Judge-1, Alibag-Raigad *vide* judgment and order dated 11<sup>th</sup> March, 2022, partly allowed the Appeal, although the conviction was confirmed, the sentence of imprisonment was reduced to one month for conviction under Section 304-A, and, seven days for conviction under Section 279 of IPC.

3            Learned counsel for the applicant has submitted that the applicant is S.T. driver. The evidence suffers from serious discrepancies, hence, the sentence of imprisonment may be suspended.

4            Considering the nature of sentence of imprisonment and the fact that the applicant was on bail during trial as well as during the pendency of Appeal, this Application can be allowed.

5            Hence, I pass the following order:

**:: ORDER ::**

- (i) Interim Application No.1687 of 2022, is allowed;

- (ii) The sentence of imprisonment imposed vide judgment and order dated 16<sup>th</sup> July, 2015, passed by J.M.F.C., Murud, which was modified *vide* judgment and order dated 11<sup>th</sup> March, 2022, passed by Ad-hoc Additional Sessions Judge-1, Alibag-Raigad, is suspended and the applicant is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount;
- (iii) Interim Application No.1687 of 2022, stands disposed of.

**(PRAKASH D. NAIK, J.)**