

Santosh

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

**INTERIM APPLICATION NO. 1345 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 174 OF 2022**

Gaurav Girish Ananpara ...Applicant

Versus

The State of Maharashtra ...Respondent

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KULKARNI

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Date: 2022.04.26
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Mr. Nagesh Chavan, for the Applicant.

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

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2022

PC:-

1. The learned Counsel for the applicant seeks leave to amend the cause-title.

Leave granted. Amendment be carried out forthwith.

2. Heard the learned Counsel for the applicant and the learned APP for the State.

3. This application is preferred for suspension of sentence and to enlarge the applicant on bail during the pendency of the revision application.

4. The applicant came to be prosecuted for the offences punishable under Sections 354 and 354D of the India Penal Code, 1860 ("IPC") in Regular Criminal Case No.98 of 2016 by a

judgment and order dated 20th July, 2017 passed by the learned Judicial Magistrate, First Class, Pimpri, the applicant came to be convicted for the offences punishable under Sections 354 and 354D of the IPC and sentenced to suffer simple imprisonment for one year and pay fine of Rs.1,000/- on each count with default stipulation.

5. The applicant preferred an appeal being Criminal Appeal No.383 of 2017. The learned Additional Sessions Judge, by a judgment and order dated 22nd April, 2022 dismissed the appeal and affirmed the order of conviction and sentence passed by the learned Magistrate.

6. The learned Counsel for the applicant submits that immediately after dismissal of the complaint, the applicant was taken in custody so as to undergo the sentence imposed upon him.

7. It appears that the applicant was on bail during the pendency of the trial as well as the appeal. The substantive sentence imposed upon the applicant is short one. It is very unlikely that the revision application can be heard before the sentence gets over.

8. Arguable questions are also raised in the revision application.

9. It would, therefore, be expedient in the interest of justice to suspend the sentence during the pendency of the revision application.

10. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) The substantive sentence imposed by the learned Magistrate in RCC No.98 of 2016, and confirmed by the Additional Sessions Judge in Criminal Appeal No.383 of 2017, stands suspended till the hearing and disposal of this revision application.
- (iii) The applicant be released on bail on furnishing a P. R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount to the satisfaction of the learned Magistrate.
- (iv) The applicant shall regularly attend the proceedings before this Court.

All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]