

3 The applicant, vide judgment and order dated 29th August 2011 passed in Criminal Case No. 1372/PS/2008, by the learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, has been convicted for the offence punishable under Sections 279, 338, 304(a) of the Indian Penal Code ('IPC') and Section 185(B) of the Motor Vehicles Act. The maximum sentence imposed is for the offence of Section 304(a) i.e. sentence of rigorous imprisonment for a period of 2 years as well as fine. The said order of conviction was challenged by the applicant before the Sessions Court. The learned Additional Sessions Judge vide judgment and order dated 12th October 2021 partly allowed the applicant's appeal. The learned Additional Sessions Judge was pleased to confirm the conviction of the applicant under Section 304(a) of the IPC. However, the applicant was acquitted of the offence punishable under Section 338 of the IPC and Section 185(B) of the Motor Vehicles Act. Pursuant to the said conviction, the applicant was taken into custody.

4 Against the said conviction, the applicant has preferred the aforesaid revision. This Court, vide order dated 22nd November 2021 admitted the aforesaid revision application. The sentence imposed is a short term sentence and the appeal is not likely to be heard in the immediate near future.

5 Considering the aforesaid, the applications are allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his revision application, on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs.15,000/-, for a period of eight weeks;
- (ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;
- (iii) The applicant shall report to the Sessions Court, once in six months on the day/date specified by the Sessions Court, till his appeal is finally disposed of;
- (iv) The applicant shall keep the Sessions Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

6 The Interim Application Nos. 2791/2021 and 2792/2021 are disposed of in the aforesaid terms.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.