

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.50 OF 2022

Vikas s/o Nilkanth Gawai

Vs.

State of Maharashtra, through P. S. Chandur Railway, Dist. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. Ateeb, Advocate for applicant.

Mr. S. M. Ghodeswar, APP for respondent/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 25/02/2022

1) Heard Mr. Ateeb, learned counsel for the applicant.

2) The allegation is that when the applicant came to the house of the complainant and asked for a glass of water from the complainant and when the glass of water was tendered, instead of taking of glass from the complainant, the applicant caught hold the hand of the complainant, at which point of time, the cry was raised by her, hearing which the husband of the complainant who was standing outside, came into the room, in pursuance to which there was some tiff and complaint under Section 354 of the Indian Penal Code (herein referred as "the IPC") came to be lodged.

3) The learned trial Court convicted the applicant by its Judgment dated 06.03.2020 and has sentenced the applicant for one year rigorous imprisonment and fine of Rs.5,000/- in default, five

months rigorous imprisonment under Section 354 of the IPC, but has acquitted the applicant for the offence punishable under Sections 504 and 506 of the IPC.

4) The learned Sessions Court by the Judgment dated 10.02.2022 has dismissed the appeal.

5) It is contended that because of an earlier enmity, false complaint has been lodged and the evidence has not been appreciated properly.

6) Issue notice to the respondent, returnable in **two weeks**.

7) Mr. Ghodeswar, learned APP for respondent/ State, waives service of notice for respondent.

Criminal Application (APPR) No.52 of 2022

1) Considering what has been discussed while issuing notice, the sentence imposed by the learned Judicial Magistrate First Class is hereby suspended.

2) The applicant be released on bail on his furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand only) and one solvent surety in the like amount.

3) Record and Proceedings be called. In the mean time, learned counsel for the applicant shall also placed on record the exhibited documents.

The Criminal Application No.52 of 2022 stands disposed of.