

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO. 116 OF 2022
IN
CRIMINAL REVISION APPLICATION (REVN) NO. 102 OF 2022

Sumit @ Bazuka S/o. Naresh Tirpude

...VERSUS...

The State of Maharashtra thr. P.S.O., P.S. Pulgaon, Distt. Wardha

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

Court's or Judge's order

Shri Abdul Subhan, Advocate for applicant.
Shri A.M.Kadukar, APP for respondent/State.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 15th September, 2022.

The present application is filed for suspension of sentence pending the revision and release the applicant on bail.

2. The present criminal application is filed being aggrieved by the judgment and order dated 04/03/2022 passed by learned Additional Sessions Judge, Wardha in Criminal Appeal No. 12 of 2018 confirming the impugned judgment dated 10/01/2018 passed by learned Judicial Magistrate First Class, Pulgaon in Regular Criminal Case No. 123 of 2017 by which the applicant was convicted for the offence punishable under Section 392 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 2 years and fine of Rs. 1,000/-.

3. It appears that the applicant was brought before the learned appellate Court by executing Non Bailable Warrant (NBW).

The applicant's contention is that being a layman and also in view of the fact that there was pandemic situation, he was not aware when the Courts resumed functioning. He is permanent resident of Ambedkar Nagar, Pulgaon, Tq. Deoli, Distt. Wardha. He is only bread earner of his family. He has already undergone 328 days in detention in view of the Clause (4) of the order dated 04/03/2022 passed by learned Additional Sessions Judge, Wardha. As such, he has undergone more than half of the sentence awarded by the learned Judicial Magistrate First Class, Pulgaon.

4. The application is vehemently opposed by the learned Asst. Public Prosecutor on the ground that there was many matters against the applicant showing his involvement in the criminal activities.

5. Considering the detention period, in my considered opinion, it would be appropriate to suspend the effect and execution of order passed by both the Courts below.

6. The applicant be released on bail on furnishing P.R. bond in the sum of Rs. 15,000/- and one solvent surety to the satisfaction of learned Additional Sessions Judge, Wardha.

7. The application stands disposed of.

(Smt. M.S. Jawalkar, J.)