

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.107 OF 2023
IN REVN/7/2023

MARUTI RAOSAHEB RAKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. V. Dixit h/f. Mr. Ankush N. Nagargoje
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 09-01-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent.
3. The learned A.P.P. waives service of notice for the respondent.
4. The learned counsel for the applicant would submit that the applicant has a good case on merit. However, the evidence has not been properly appreciated. Hence, he has been erroneously convicted of the offence punishable under Section 354 of the Indian Penal Code.
5. The learned A.P.P. for the respondent/State would submit that there are two concurrent judgments against the applicant. Hence, sentence may not be suspended.

6. Perused the impugned orders.

7. There appears no material to point out that the applicant has jumped over the bail granted to him. The applicant has a good case for arguments. Therefore, the sentence is liable to be suspended till the decision of the revision. Hence, the following order :-

- i) The application is allowed.
- ii) The order sentencing the applicant to suffer rigorous imprisonment for one year passed by the learned Judicial Magistrate First Class, Chopda, District Jalgaon, in S.C.C.No. 210 of 2009, dated 30.03.2019 and confirmed by the learned District Judge-2, Amalner, District Jalgaon, in Criminal Appeal No.11 of 2019, by his judgment and order dated 02.01.2023, is suspended till the disposal of the revision.
- iii) The applicant be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount.
- iv) Bail before the learned District Judge-2, Amalner, District Jalgaon.

**(S. G. MEHARE)
JUDGE**

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