

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.568 OF 2023
IN REVN/33/2023**

**AMIN S/O. RUKMODDIN TAMBOLI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. Ashtekar Raviprasad K.
APP for Respondent/State : Mr. S.P. Deshmukh

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 08, 2023

PER COURT:-

1. Learned counsel for the applicant would submit that the evidence has not been properly appreciated. There are many errors of law in the impugned judgment and order. The applicant has a good case on merit. Therefore, the sentence may be suspended.
2. Learned APP opposed the application. He would submit that there are no errors of law on the face of record. The applicant does not deserve suspension of sentence.
3. Perused the impugned judgments and orders. The applicant has been convicted for the offence punishable under Section 354 of the Indian Penal Code. Considering the arguments, there appears he has good ground to argue in the revision. Hence, the following order:

ORDER

- (i) The execution of the sentence imposed by the learned Judicial Magistrate First Class, Latur in SCC No.1701 of 2016 dated 23.01.2020 and confirmed by the learned Sessions Judge, Latur in Criminal Appeal No.07 of 2020 dated 20.01.2023 is suspended till the conclusion of the revision.
- (ii) The applicant shall be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety of the like amount.
- (iii) Bail before the learned First Appellate Court.
- (iv) Issue notice to the respondents, returnable on 10.03.2023. Learned APP waives service of notice for the respondents.
- (v) Call Record and Proceedings.

(S.G. MEHARE, J.)