

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

**CRIMINAL APPLICATION NO.592 OF 2023
IN REVN/35/2023**

**RAMESH CHAUKAJI BHADARGE
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Siddiqui Sohail E
APP for Respondent/State : Mr. S.P. Sonpawale

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 09, 2023

PER COURT:-

1. The learned Judicial Magistrate First Class, Partur convicted the applicant for the offence punishable under Section 354 of the Indian Penal Code. The learned Ad-hoc District Judge-1 and Additional Sessions Judge, Jalna dismissed the appeal preferred by the applicant and confirmed the conviction.
2. Learned counsel for the applicant would submit that the defence of the applicant has not been properly appreciated. He has good chances of success in the petition. Since the learned Ad-hoc District Judge-1 took the applicant in custody, he is behind the bar. Hence, his sentence may be suspended.
3. Learned APP opposed the application. He would argue that the applicant has very little scope for interference against two

concurrent judgments. The learned Courts have correctly believed the victim. Therefore, he has no case for suspension of sentence.

4. Perused the judgments and orders impugned before this Court. It appears that the applicant has grounds to argue the revision. There are no complaints of misusing the bail granted to the applicant during trial and the appeal. Hence, the sentence is liable to be suspended. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence imposed by the learned Judicial Magistrate First Class, Partur to suffer SI for one year for the offence punishable under Section 354 of the Indian Penal Code in RCC No.05 of 2013 dated 29.10.2018 and confirmed by the learned Ad-hoc District Judge-1 and Additional Sessions Judge, Jalna in Criminal Appeal No.100 of 2018 dated 19.01.2023, is suspended till the conclusion of the revision.
- (iii) 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.
- (iv) Bail before the learned First Appellate Court.

(3)

- (v) Issue notice to the State. Learned APP waives service of notice for the State.
- (vi) List the criminal revision application on 31.03.2023.
- (vii) Call Record and Proceedings.

(S.G. MEHARE, J.)

Mujaheed//