

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.699 OF 2023
IN REVN/47/2023

SUSHIL @ RAJ SUDHAKAR SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Rupesh A. Jaiswal
APP for Respondent No.1/State : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 16-02-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondents, returnable on 05.04.2023.
3. The learned A.P.P. waives service of notice for respondent No.1/State.
4. The applicant has been convicted for the offence punishable under Sections 498A and 494 of the Indian Penal Code by the learned trial court. The appeal preferred against the said judgment and order has also been dismissed by the first appellate court.
5. The learned counsel for the applicant would submit that the law has not been correctly considered as regards demand of dowry and illtreatment. The defence of the applicant has not been properly appreciated. Hence, the applicant has good ground to argue in revision.

6. The learned A.P.P. for respondent No.1/State opposed the application. He would submit that the evidence has been properly scrutinized and the legal position has also been correctly appreciated. The applicant has no grounds to argue in the revision, therefore, the sentence may not be suspended.

7. Perused the impugned judgments and orders.

8. The applicant is husband, who has been convicted for the offence punishable under Sections 498A and 494 of the Indian Penal Code. Considering the reasons, the Court is of the view that the applicant has a good case for hearing on merit. Hence, the following order:-

- i) The application is allowed.
- ii) The execution of substantive sentence imposed against the applicant by the learned Judicial Magistrate First Class, Court No.2, Auranabad, in R.C.C.No.2059 of 2013, dated 03.02.2015, and confirmed by the learned Additional Sessions Judge, Aurangabad, in Criminal Appeal No.29 of 2015, dated 09.01.2023, has been suspended till conclusion of the revision.
- iii) The applicant be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount.
- iv) The applicant shall deposit fine amount, if not paid, with the learned trial Court before releasing him on bail.
- v) Bail before the learned Additional Sessions Judge, Aurangabad.

(S. G. MEHARE, J.)