

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

**CRIMINAL APPLICATION NO.854 OF 2023
IN REVN/65/2023**

**NAMDEO KISHAN PAWDE @ PANDWE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Shinde Dhananjay M.
APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : MARCH 02, 2023

PER COURT:-

1. Heard the respective counsels.
2. The applicant has been convicted for the offence punishable under Section 419, 420, 468 read with 34 of the Indian Penal Code. The appeal against conviction has also been dismissed. After the dismissal of the appeal, the applicant has been sent to jail for execution of the sentence under conviction warrant.
3. The learned counsel for the applicant would submit that the law as regards the forgery and cheating has not been properly appreciated with the relevant evidence. This is the error on the face of the record committed by the Courts convicting the applicant. The applicant has a good case on merit. Hence, the sentence may be suspended.
4. The learned APP would argue that there are two concurrent judgments holding the applicant guilty. The offence is

serious. The applicant has no grounds for argument in the revision. Hence, the sentence may not be suspended.

5. Perused the application and the judgments impugned before this Court. Considering the reasons assigned for the conviction, the Court is of the view that the applicant may assail the reasons for conviction on certain legal grounds. In the circumstances, the following order is passed :

ORDER

(i) The execution of the sentence to suffer RI for one year for the offence punishable under Section 419 r/w 34 of the Indian Penal Code, RI for three years for the offence punishable under Section 420 r/w 34 of the Indian Penal Code and RI for further three years for the offence punishable under Section 468 r/w 34 of the Indian Penal Code imposed by the Chief Judicial Magistrate, Nanded in RCC No.920 of 2001 dated 13.10.2008 and confirmed by the learned Additional Sessions Judge, Nanded in Criminal Appeal No.86 of 2008 dated 21.02.2023, is suspended for the present applicant – Namdeo Kishan Pawde @ Pandwe, till 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.

(3)

(iii) Issue notice to the State, returnable on 13.04.2023.

Learned APP waives service of notice for the State.

(iv) Bail before the Additional Sessions Judge, Nanded.

(v) Call Record and Proceedings.

(S.G. MEHARE, J.)

Mujaheed//