

(1)

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

**CRIMINAL REVISION APPLICATION NO.63 OF 2023
WITH APPLN/841/2023 IN REVN/63/2023**

**MAROTI SADASHIV MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. S.B. Bhapkar h/f Mr. Rakhunde Pravin B
APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : MARCH 01, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has been convicted for the offence punishable under Section 509 of the Indian Penal Code and sentenced to suffer SI for three months.
3. The applicant's counsel argued that the applicant has a good case on merit. The evidence has not been properly appreciated. The applicant is 22 years old boy. The benefit of the Probation of Offenders Act has been denied. The applicant has been convicted on sole evidence of the complainant. He has good chances of success in the revision petition. Hence, the sentence may be suspended.
4. Learned APP has opposed the application and argued that the applicant has been correctly convicted. There are no grounds for the revision.

5. Perused the impugned judgments and orders. There appears scope for the applicant to argue the revision on merit. Hence, the following order :

ORDER

(i) The execution of the sentence to suffer SI for three months for the offence punishable under Section 509 of the Indian Penal Code imposed by the learned Judicial Magistrate First Class, Himayatnagar in SCC No.86 of 2012 dated 22.03.2021 and confirmed by the learned Additional Sessions Judge, Bhokar in Criminal Appeal No.09 of 2021 dated 16.12.2022, is suspended till the conclusion of the revision application.

(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 Additional Sessions Judge, Bhokar.

(iv) Issue notice to the State, returnable on 29.03.2023.

(v) Registrar (Judicial) is requested to call for the conduct report from the District Probation Officer, Nanded in the present crime, on or before 29.03.2023.

(S.G. MEHARE, J.)