

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

955 CRIMINAL REVISION APPLICATION NO.84 OF 2023
WITH APPLN/1062/2023 IN REVN/84/2023

RAUF S/O HUSSAIN SAYYED
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sohail Subhedar h/f Mr. Ghanekar
Nilesh S.
APP for Respondent-State : Mr. S. P. Sonpawale.
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CORAM : S. G. MEHARE, J.
DATE : 17.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable on 05.06.2023.
3. Learned APP waives service of notice for respondent-State.
4. Learned counsel for the applicant would submit that the applicant has been convicted for an offence punishable under Section 326 of the IPC and sentence to suffer R.I. for three (3) months. His appeal against the conviction has also been dismissed. He is suffering the sentence. The applicant has a

good case on merit. There are arguable points. Hence, sentence may be suspended.

5. Learned APP has opposed the application. He would argue that there appears no ground to argue in the revision. Hence, this is not a good case for suspension of sentence.

6. Perused the impugned orders. The applicant appears to have a case for argument. Hence, he deserves suspension of sentence under Section 389 of the Cr.PC. Hence, the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The execution of sentence to suffer R.I. for three (3) months imposed by the learned Judicial Magistrate First Class, Jamkhed in RCC.No.152 of 2016, dated 16.05.2019 and confirmed in Criminal Appeal No.10 of 2019 by the learned Sessions Judge, Shrigonda by order dated 10.03.2023 is suspended till the conclusion of the revision application.
- (iii) The applicant be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty

Thousand only) with one solvent surety of the like amount.

- (iv) Bail before the learned Additional Sessions Judge, Shrigonda.
- (v) Call Record and Proceedings.
- (vi) The applicant to supply the copies to the learned APP appearing for the respondent-State.

(S. G. MEHARE, J.)

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vmk/-