

(1)

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

**CRIMINAL APPLICATION NO.1088 OF 2023  
IN REVN/57/2023**

**SANJAYKUMAR SHANKARRAO LADE  
VERSUS  
SHAIKH JEELANI S/O ABDUL GAFFAR**

...

Advocate for Applicant : Mr. Warma Bharatkumar Ramdeo  
Advocate for Respondent : Mr. M.M. Baig & Mr. M.M. Joshi

...

**CORAM : S.G. MEHARE, J.**

**DATED : MARCH 17, 2023**

**PER COURT:-**

1. Not on board. Taken on board.
2. Heard learned counsel for the applicant.
3. Learned counsel for the applicant would argue that the applicant has surrendered before the learned Magistrate and sent to jail under conviction warrant for execution of the sentence. He would argue that the applicant has a good case on merit. There are arguable points in the revision. Hence, sentence may be suspended.
4. Per contra, learned counsel for the respondent would argue that two concurrent judgments are well reasoned. It is a technical offence; hence, there is no scope to warrant the interference under revisional jurisdiction.

5. Perused the impugned judgments and orders. There appears ground to argue in the revision. Hence, the sentence is liable to be suspended. Hence, the following order :

**ORDER**

- (i) Application is allowed.
- (ii) The execution of the sentence to suffer SI for one year imposed by the learned Judicial Magistrate First Class, Court No.13, Aurangabad in SCC No.1724 of 2014 dated 11.03.2020 and confirmed by the learned Additional Sessions Judge, Aurangabad by its judgment and order in Criminal Appeal No.07 of 2021 dated 09.02.2023, 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 Additional Sessions Judge, Aurangabad.
- (v) The respondent/complainant is entitled to receive the money which the present petitioner has deposited before the trial Court, on undertaking to redeposit the money within one month from the date of the judgment.
- (vi) Issue notice to the respondent. The respondent appears suo-moto and waives service of notice.

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- (vii) Call Record and Proceedings.
- (viii) List the revision application on 05.06.2023.
- (ix) Office to accept the vakalatnama of the respondent.

**(S.G. MEHARE, J.)**

*Mujaheed//*