

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

CRIMINAL APPLICATION NO. 1129 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 88 OF 2023

KAUSALYABAI W/O RAMRAO BAIS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for the applicant : Mr. Salve Sunil Vishnu and
Vijaykumar N. Mundhe
A.P.P for respondent-State : Mr. S. P. Deshmukh
....

CORAM : S. G. MEHARE, J.

DATE : 23.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P P for the respondent-State.

2. The applicant was convicted for the offence punishable under Sections 419, 420, 468 read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs. 5,000/- for the offence punishable under Section 419 r/w 34 of the IPC. The applicant further convicted for the offence punishable under Section 420 of the Indian Penal Code read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for three years and to

pay fine of Rs/ 5000/- and further convicted for the offence punishable under Section 468 r/w 34 of the IPC and sentenced to suffer R.I. for three years and to pay fine of Rs. 5,000/-. The applicant had preferred an appeal. The appeal has also been dismissed and the order of conviction has been confirmed.

3. The learned counsel for the applicant would submit that the applicant has been sent to jail for execution of the sentence. However, he has a good case on merits. There are no antecedents to her discredit.

3. The learned A.P.P. opposed the application and argued that there are concurrent findings against the applicant. Hence she does not deserve suspension of sentence.

4. Perused the impugned order. The applicant appears to have good grounds for argument in revision. Therefore, discretion under Section 389 of the Cr.P.C may be exercised. Hence the following order :-

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence to suffer RI for one year for the

offene 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 learned Chief Judicial Magistrate, Nanded in RCC No. 920 of 2001 by judgment dated 13.10.2008 and confirmed by the learned Additional Sessions Judge, Nanded in Criminal Appeal No. 86 of 2008 by judgment dated 21.02.2023, is suspended for the present applicant Kausalyabai Ramrao Bais till conclusion of the revision.

(ii) The applicant shall be released on bail on executing PB. and S. B. of Rs. 50,000/- with one solvent surety of the like amount.

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

(S. G. MEHARE)
JUDGE

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