

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1421 OF 2023
IN REVN/120/2023

JASPALSINGH ALIAS GABBARSINGH ALIAS
GABBU BALWANTSINGH LAKHWALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. S. Jadhav h/f. Mr. Mahesh K. Bhosale
and Mr. Granthi Manpreet Ajeet Singh
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 10-04-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent. The learned A.P.P. waives service of notice for the respondent/State.
3. It appears that there are good grounds for consideration in the revision application. Hence, discretion under Section 389 of the Code of Criminal Procedure can be exercised in favour of the applicant. Hence, the order :-
 - i) Application is allowed.

- ii) The execution of sentence to suffer simple Imprisonment for one year for the offence punishable under Section 377 of the Indian Penal Code by the learned Judicial Magistrate First Class, Court No.9, Nanded in RCC No. 950 of 2003 dated 22.03.2013 and confirmed by the learned Session Judge, Nanded, in Criminal Appeal No.48 of 2013 by its judgment and order dated 31.03.2023, stands suspended till the conclusion of the revision application.
- iii) Applicant Jaspalsingh Alias Gabbarsingh Alias Gabbu Balwantsingh Lakhwale be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety in the like amount.
- iv) Bail before the learned Sessions Judge, Nanded.

**(S. G. MEHARE)
JUDGE**

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