

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

**CRIMINAL APPLICATION NO.1593 OF 2023
IN REVN/132/2023 WITH REVN/132/2023**

**VINOD S/O BHANUDAS KASULE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. G. B. Rajale
APP for Respondent: Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.

DATE : 19.07.2023

PER COURT :

The applicant has been surrendered before the learned Judicial Magistrate First Class Ahmednagar since he was convicted. The learned counsel for the applicant would submit that the applicant has a good case on merit. The legal aspect have been involved in the case. The material placed on record was not appreciated in consonance with the law and he has been incorrectly held guilty for the offences punishable under Sections 304-A, 279 of the Indian Penal Code and Section 134(A)(B) read with Section 177 f the Motor Vehicle Act. Hence, he deserves suspension of the sentence.

2. The learned A.PP would submit there are two concurrent

findings against the applicant. No legal issues are involved. There are also no error on the face of the record. Hence he does not deserve suspension of the sentence.

3. Perused the impugned judgments and orders. The Court is satisfied that there are ground for argument in the revision before this Court. The applicant has been convicted to suffer rigorous imprisonment for six months for the offence punishable under Sections 304-A of the Indian Penal Code. Considering the facts, and the issues raised in the revision application the Court is of the view that this is a fit case to exercise the discretion under Section 389 of the Code of Criminal Procedure. Hence, the order

ORDER

(i) The Execution, implementation and effect of the sentence imposed upon the applicant by the learned Judicial Magistrate First Class, (Court No.5) Ahmednagar in S.C.C. No. 2494/2016 dated 7.5.2018 and confirmed by the learned Additional Sessions Judge, Ahmednagar in Criminal Appeal No. 133 of 2019 dated 5.4.2023 is suspended till conclusion of the revision application.

(ii) The applicant Vinod Bhanudas Kasule 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 Sessions Judge, Ahmednagar.

(S. G. MEHARE)
JUDGE

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