

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

**CRIMINAL APPLICATION NO.1772 OF 2023
IN REVN/137/2023**

**SHAIKH ARSHAD SHAIKH MAINODDIN
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. S.R. Bagal h/f Mr. B.N. Gadegaonkar
APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : MAY 04, 2023

PER COURT:-

1. Heard the respective counsels.
2. The applicant has been convicted for the offence punishable under Section 279, 337 and 304-A of Indian Penal Code by the learned Judicial Magistrate First Class, Biloli and the order of conviction has been confirmed by the learned Additional Sessions Judge, Biloli.
3. It is a e-filing case. It appears that the impugned orders are not being properly uploaded with the revision memo. Some different orders passed in the matrimonial dispute appears to have been wrongly attached. Therefore, the hard copy is taken for passing the orders. If the copies have been wrongly supplied for uploading by the applicant, the correct copy be supplied and if the mistake has been committed by the office, it be corrected accordingly.

(2)

4. Perused the impugned orders. There appears good ground for contesting the revision application. Therefore, the applicant deserves suspension of sentence. Hence, the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The execution of the sentence to suffer SI for 3 months each for the offence punishable under 279, 337 of Indian Penal Code and RI for 2 years for the offence punishable under Section 304-A of Indian Penal Code imposed by the learned Judicial Magistrate First Class, Biloli in RCC No.134 of 2010 dated 28.01.2015 and confirmed by the learned Additional Sessions Judge, Biloli in Criminal Appeal No.02 of 2015 dated 02.05.2023 is suspended till the conclusion of the revision application.
- (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) Issue notice to the State, returnable on 14.07.2023. Learned APP waives service of notice for the State.
- (v) Bail before the learned Additional Sessions Judge, Biloli.
- (vi) Call Record and Proceedings.

(S.G. MEHARE, J.)