

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

**CRIMINAL APPLICATION NO.1881 OF 2023
IN REVN/157/2023 WITH REVN/157/2023**

**SHARAD DHANRAJ DEORE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Sohail Subhedar h/f Mr. N.S. Ghanekar
APP for Respondent/State : Ms. V.N. Patil Jadhav

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

DATED : JUNE 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking suspension of sentence passed by the learned Judicial Magistrate First Class, Jalgaon in S.C.C. No.293 of 2010 for the offence punishable under Section 33 of Maharashtra Medical Practitioners Act, 1961 and confirmed by the learned Additional Sessions Judge, Jalgaon in Criminal Appeal Nos.48 of 2016 and 79 of 2017 dated 24.04.2023.
3. Learned counsel for the applicant would submit that the applicant has recently surrendered before the learned Judicial Magistrate and is behind bar. He would further argue that the applicant has a good case on merit. He is suffering from some diseases. He is the permanent resident of Pachora. He never jumped the bail granted to him. Hence, the sentence may be suspended.

4. Learned APP would submit that the offence is serious. The applicant was playing with the life of patients as he was involved in illegal and unauthorized medical practice. The applicant has no good case on merit. Hence, the sentence may not be suspended.

5. Perused the impugned judgments and orders. There appears a ground to argue the revision. There are no complaints that the applicant has misused the bail granted to him. Considering the allegations levelled against the applicant, the sentence is liable to be suspended and he may be granted bail on certain conditions. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The execution, implementation and effect of the sentence to suffer SI for three months for the offence punishable under Section 33 of Maharashtra Medical Practitioners Act passed by the learned Judicial Magistrate, Jalgaon in S.C.C. No.293 of 2010 dated 25.02.2016 and confirmed by the learned Additional Sessions Judge, Jalgaon in Criminal Appeal No.48 of 2016 and 79 of 2017 dated 24.04.2023 is suspended till the conclusion of the trial.
- (iii) The applicant shall be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rs. fifty thousand) with one solvent surety of the like amount, on the condition that he shall not practice medicine

(3)

unless he has any authority or registration under Maharashtra Medical Practitioners Act.

(iv) Bail before the learned Additional Sessions Judge, Jalgaon.

(v) List the matter on 21.07.2023.

(S.G. MEHARE, J.)