

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1924 OF 2023
IN REVN/166/2023 WITH REVN/166/2023

SHARAD BABAN GHORPADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Amol S. Gandhi
APP for Respondent : Ms. V. N. Patil Jadhav
...

CORAM : S. G. MEHARE, J.

DATE : 22-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The learned counsel for the applicant would submit that the applicants have good case on merit. The evidence has not been properly appreciated. The legal points have been ignored. The accused has been convicted for six month only. They have deposited fine amount.
3. The learned A.P.P. would argue that there are two concurrent judgments against the applicants. There is no scope to interfere with the impugned judgment and order and, hence, application be dismissed.
4. Perused the impugned judgment and order against the order.

5. The applicants have good grounds to argue in the revision. It is a short term conviction. Therefore, the applicants deserve suspension of the sentence. Hence, the order:-

- i) The application is allowed.
- ii) The execution, implementation, effect and operation of the sentence to suffer simple imprisonment for six months for the offences punishable under Sections 323 and 506 read with Section 34 of the Indian Penal Code, passed by the learned Additional Chief Judicial Magistrate, Court No.15, Ahmednagar, in S.C.C.No.2425 of 2017 dated 04.01.2019 and confirmed by the learned District Judge-1 and Additional Sessions Judge, Ahmednagar, in Criminal Appeal No.30 of 2019 dated 28.04.2023, is suspended till conclusion of the revision.
- ii) Applicants Nos. (1) Sharad s/o. Baban Ghorpade and (2) Sangmeshwar s/o. Balbhim Koli, be released on bail, on furnishing P.B. and S.B. of Rs.50,000/- each, with one solvent surety of the like amount.
- iii) Bail before the court of learned Additional Sessions Judge at Ahmednagar.
- iv) Call R & P.
- v) List the revision application on 10.08.2023, for final hearing.

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