

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

**CRIMINAL APPLICATION NO.2024 OF 2023
IN REVN/167/2023 WITH REVN/167/2023**

**VITTHAL S/O RAMJI DHENGAL
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. S. V. Deshmukh
APP for Respondent : Mr. S. B. Narwade
....

CORAM : S. G. MEHARE, J.

DATE : 15.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents/State.
2. The applicant has impugned the order of conviction passed by the learned Judicial Magistrate, First Class, Hingoli and confirmed by the learned Additional Sessions Judge Hingoli.
3. The learned counsel for the applicant would argue that the applicant is now 68 years old. There was inimical terms between the victim and family of the applicant. Applicant was falsely implicated in the crime. There was inordinate delay in lodging the report. The material facts i.e. previous enmity and probable defence of the applicant was not considered by the Courts of learned Judicial

Magistrate and learned Additional Sessions Judge.

4. The learned A.PP has strongly opposed the application. He has argued that the evidence has been correctly appreciated. There are no grounds for argument to the applicant. Hence the suspension may not be suspended.

5. Perused the impugned judgments and orders. The applicant has raised the defence of enmity. There appears ground for argument to the applicant in the revision application. He is a senior citizen. In the facts and circumstances of the case, the application deserves to be allowed.

ORDER

(i) Criminal Application is allowed.

(ii) The execution, implementation, effect and operation of the sentence to suffer R.I for three months for the offences punishable under Sections 354(1)(I) of the Indian Penal Code imposed by the learned Judicial Magistrate First Class, Court No.2, Hingoli in Regular Criminal Case No.14 of 2014, dated 24.01.2017 and confirmed by the learned Additional Sessions Judge, Hingoli in Criminal Appeal No. 2 of 2017 by order dated 6.6.2023 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) Bail before the learned Sessions Judge, Hingoli.

vi) Call Record and Proceedings.

(viii) List the criminal revision application in due course.

(S. G. MEHARE)
JUDGE

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