

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

CRIMINAL APPLICATION NO. 2678 OF 2022
IN CRIMINAL REVISION APPLICATION NO. 238 OF 2022

KISHAN BHUJANGRAO YELAKDHARE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vijaykumar C Patil (Ashtekar)
APP for Respondent No.1 : Mr. K. S. Patil

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CORAM : S.G. MEHARE, J.
DATE : JANUARY 25,2023

PER COURT :

1. The learned counsel for the applicant has placed on record *Vakalatnama* on behalf of the applicant. He made a statement that he has been sent to jail in execution warrant of the conviction. Now, he is behind bar. He would further argued that the quarrel took place over boundary dispute. Therefore, false allegations were levelled against the applicant. The applicant has a good case on merits. Hence, substantive sentence may be suspended.

2. The learned A.P.P. has opposed the application. He would argue that there are two concurrent findings of the Courts. There is no error in the impugned orders. Therefore, he is not entitled for suspension of sentence and bail.

3. Perused the impugned judgments and orders. There appears ground for argument in the case. The applicant is seventy two years old. The revision may take its time to conclude. Hence, this is a good case for suspension of sentence till the conclusion of the revision. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The execution, implementation, effect and operation of the order sentencing the accused offence punishable under Sections 354A, 323, 504 and Section 506 of the Indian Penal Code imposed by the learned Judicial Magistrate, First Class, Himayatnagar, District Nanded in Regular Criminal Case No. 78 of 2013, dated 26.09.2017 and confirmed by the learned Additional Sessions Judge, Bhokar, is suspended till the disposal of the revision application.
- ii) The applicant be released on bail on executing PB and SB of Rs. 50,000/- with one solvent surety of the like amount.
- iii) Bail before the learned Additional Sessions Judge, Bhokar.

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