

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2875 OF 2023
IN REVN/225/2023 WITH REVN/225/2023

SADDAM S/O CHANDPASHA KHADAKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Yunus Basheer Pathan
APP for Respondent/State : Mr. Y. G. Gujrathi
...

CORAM : S. G. MEHARE, J.

DATE : 04-08-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent/State. The learned A.P.P. waives service of notice for the respondent/State.
3. The learned counsel for the applicant would submit that the learned trial Court has convicted the applicant and sentenced to suffer simple imprisonment for six months for the offences punishable under Sections 279, 337 and 338 of the Indian Penal Code and Sections 3(1)/181 and 146/196 of the Motor Vehicles Act. However, the learned Additional Sessions Judge, Latur modified the conviction and sentenced the applicant to suffer simple imprisonment for three months.
4. The applicant has already paid the compensation amount. He is languishing in jail. He has a good case on merit. Hence, his sentence may be suspended.

5. The learned A.P.P. opposing the application would submit that there are no grounds to argue in the revision.

6. On the perusal of both judgments and orders along with the evidence appreciated by both courts, the Court is satisfied that the applicant has good legal questions to be raised before the Court as regards whether the applicant was rash and negligent and committed the offence. Taking into consideration the law and facts of the case, the sentence deserves to be suspended. Hence, the order:-

- i) Application No.2875 of 2023 is allowed.
- ii) The execution, implementation, effect and operation of the sentence imposed upon the applicant, to suffer simple imprisonment for three months for the offences punishable under Sections 279, 337 and 338 of the Indian Penal Code and Sections 3(1)/181 and 146/196 of the Motor Vehicles Act, by the learned Additional Sessions Judge, Latur, by his judgment and order in Criminal Appeal No.13 of 2018 dated 26.07.2023, stands suspended till the conclusion of the revision.
- iii) The applicant 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 Additional Sessions Judge, Nilanga.
- v) Call R & P.
- vi) List the Revision Application in due course.

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