

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

**CRIMINAL APPLICATION NO.2930 OF 2023
IN REVN/228/2023 WITH REVN/228/2023**

**RAGHUDAS MAHADJI KATKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Omprakash V. Waghmare h/f Mr.
Rupesh Anil Jaiswal
APP for Respondent/State : Mr. S.P. Deshmukh

...
CORAM : S. G. MEHARE, J.
DATED : AUGUST 08, 2023

PER COURT :-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks suspension of sentence imposed upon him for the offence punishable under Section 420 of the Indian Penal Code. The trial Court had awarded him a sentence to suffer R.I. for one year. However, the First Appellate Court reduced the imprisonment term to three months. The fine amount has been deposited.
3. Learned counsel for the applicant would submit that the applicant is now seventy seven. He would further argue that the offence under Section 420 of the Indian Penal Code was not made

out. The defence of the applicant has not been correctly appreciated. He has a good case on merit. Otherwise also, it is a short term imprisonment. Hence, the sentence may be suspended.

4. Per contra, learned APP for the State would submit that there are two concurrent judgments against the applicant. He had cheated the first informant. There are no grounds to argue before the Court in revision. Hence, his sentence may not be suspended.

5. Perused the facts of the case from the impugned judgments and orders. There appears some grounds to argue before this Court. It is a short term conviction of three months. The applicant is running seventy seven. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The execution, implementation, effect and operation of the impugned judgment and order passed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.110 of 2013 dated 05.08.2023 to suffer R.I. for three months, has been suspended till the conclusion of the criminal revision.
- (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 Additional Sessions Judge, Aurangabad.

(v) Issue notice to the State. Learned APP waives service of notice for the State.

(vi) Call record and proceedings.

(vii) List the criminal revision application on 20.09.2023.

(S. G. MEHARE, J.)