

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

**946 CRIMINAL APPLICATION NO.3281 OF 2023
IN REVN/256/2023 WITH REVN/256/2023**

**SANDEEP DIGAMBAR KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicants : Mr. Nirmal Ramchandra J.
APP for Respondents: Smt. P.V. Diggikar.**

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 1st SEPTEMBER, 2023

ORDER :-

Heard Mr. Nirmal, learned counsel for the revision applicant.

2. Mr. Nirmal learned counsel for the applicant submits that the applicants herein are original accused in RCC No. 199 of 2011 before Judicial Magistrate First Class at Hadgaon. They were tried for the offences punishable under Sections 143, 147, 148, 353, 332, 323 and 324 r/w. 149 of IPC. He would submit that on trial, they were convicted and sentenced to suffer imprisonment for one year and also to pay fine. The applicants, aggrieved by the aforesaid judgment and order, preferred Criminal appeal No. 6 of 2018 before the Sessions Court, at Nanded. He would submit that the learned Sessions Judge, Nanded, dismissed the appeal vide judgment and order dated 24.8.2023 and confirmed the conviction and sentence imposed by the learned JMFC.

3. Mr. Nirmal would submit that although the appellate court passed impugned order dated 24.8.2023, copy of the judgment is not provided till this date, even it is not uploaded on the official website. He would, therefore, submit that the revision application may be considered for hearing alongwith separate application for bail.

4. It is unfortunate that the applicants are made to surrender before the appellate court, they are taken into custody. However, copy of the judgment confirming conviction is not made available till this date. Registrar (Judicial) of this Court to take note of the aforesaid submissions and call for explanation from the concerned Court.

5. In the peculiar facts, it would be appropriate to consider the plea for grant of bail without entering into the merits of the mattersince revision is directed against short sentence. Hence, the order :-

O R D E R

[I] Issue notice to respondents.

[ii] Learned APP waives notice for the respondents.

[iii] The substantive sentence imposed by order dated 20.1.2018 passed by the JMFC, Hadgaon in RCC No. 199 of 2011 and confirmed by the order dated 24.8.2023 passed by the learned Sessions Judge, Nanded in Criminal Appeal No. 6 of 2018 is hereby suspended.

[iv] Meanwhile, the applicants be released on bail on furnishing Personal Bond and Surety Bond in the sum of Rs. 15,000/- each.

IN REVISION APPLICATION NO. 256 OF 2023

- [I] Issue notice to respondents returnable on 29.9.2023.
- [ii] Call for R. & P.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-