

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3983 OF 2022
IN REVISION APPLICATION NO.348 OF 2022

SHANKAR ROHIDAS DAHIKAMBLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Mahesh P. Kale
APP for Respondent No.1/State : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 06-04-2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for respondent No.1/State.
2. The applicants have surrendered to the Court for execution of sentence on 05.04.2023. The copy of the order dated 05.04.2023 has been placed on record.
3. The learned counsel for the applicants would submit that the applicants have a good case on merit. They never breached the bail condition. They have roots at village Halad Wadhona, Taluka Jalkot, District Latur. Therefore, the sentence may be suspended.
4. The learned A.P.P. for respondent No.1/State would submit that there are two concurrent judgments against the applicants. Both the Judgments are free from infirmity. There is no scope for interference in the revisional jurisdiction. Therefore, the applicants do not deserve suspension of sentence.

5. Perused the impugned judgments and the grounds in the revision. There appears to have points to argue in the revision petition. There were no complaints against the applicants regarding violation of the bail condition. In view of that matter, the court is of the view that this is a fit case to exercise discretion under Section 389 of the Code of Criminal Procedure. Hence, the following order :-

- i) Application is allowed.
- ii) The execution of sentence to suffer RI for six months for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code imposed by the learned Judicial Magistrate First Class, Udgir, in RCC No.140 of 2011 and confirmed by the learned Additional Sessions Judge-2, Udgir by its judgment and order in Criminal Appeal No.19 of 2016 dated 15.11.2022, is suspended till the conclusion of the revision petition.
- iii) The applicants be released on bail on executing P.B. and S.B. of Rs.15,000/- with one solvent surety of like amount each.
- iv) Bail before the learned Additional Sessions Judge-2, Udgir or Judicial Magistrate First Class, Udgir, as the case may be, where the R & P is lying.
- v) Parties to act upon the authenticated copy of this order.

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