



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

**946 CRIMINAL APPLICATION NO. 4487 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.373 OF 2023**

**Kalyan Shaymrao Yedke
VERSUS
The State Of Maharashtra**

...
Advocate for Applicant : Mr. S.S. Kulkarni
APP for Respondent : Mrs P J. Bharad
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : December 15, 2023

PER COURT :-

1. Mr. Kulkarni, learned counsel appearing for the applicant submits that the applicant was subjected to trial in SCC No.114 of 2012 for the offence punishable under sections 279, 337, 338 and 304-A of the IPC. On conclusion of the trial, the learned Magistrate convicted the applicant for the offence punishable u/s 304-A, 337, 338 of IPC and sentenced to suffer RI for 3 months and to pay fine of Rs.5,000/-. The applicant preferred an appeal before the Sessions Court, at Aurangabad vide Criminal Appeal No.193 of 2017. The learned Sessions Judge at Aurangabad vide judgment and order dated 11.12.2023 dismissed the appeal and maintained the conviction and sentence.

2. Mr. Kulkarni, learned counsel would submit that there are many good grounds for consideration in this criminal

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revision application. Courts below have failed to appreciate the evidence on record in its proper perspective so also ignored the defence. He would therefore submit that hearing in detail is required after perusal of the Record and Proceeding.

3. Learned APP submits that the trial court as well as the appellate Court has concurrently found the applicant to be guilty of the offences and imposed the sentence. There are no good grounds in the revision application.

4. Having considered the submissions advanced and after going through the reasoning adopted by the Trial Court as well as the Appellate Court and on perusal of the notes of evidence, prima facie, it appears that the case requires consideration in detail. The applicant was on bail during trial; so also during pendency of the appeal. He has not misused said liberty. Even after dismissal of the appeal he surrendered before the Court. As such he is now behind the bar. In that view of the matter the case is made out for grant of bail. Hence, the following order.

ORDER

- i. Criminal Application is allowed.
- ii. Pending hearing and final disposal of this revision application, the applicant be enlarged on bail on his executing PB. & S.B. of Rs.50,000/- (Rs. Fifty Thousand) each.

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- iii. Pending hearing and final disposal of this criminal revision application, the substantive part of sentence imposed by the Judicial Magistrate First Class, Aurangabad in SCC No.1114 of 2012 and confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.193 of 2017 shall remain suspended.
- iv. Bail before trial Court.
- v. Criminal application is accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)

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