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958criapl4539.23

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

**958 CRIMINAL APPLICATION NO.4539 OF 2023
IN
CRIMINAL REVISION APPLICATION ST. NO.12910 OF 2023**

**RAMRAO KISAN CHALAK
VS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. B. A. Dhengle, Advocate for the applicants
Mrs. P. S. Bharad, APP for the respondents/State

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22th DECEMBER, 2023

P. C.

1. At the outset the learned advocate appearing for the applicant seeks leave to correct the prayer clause of the criminal application. Leave is granted. Corrections be carried out forthwith.

2. Heard the learned advocate appearing for the applicant and learned APP for the respondents/State.

3. Learned advocate appearing for the applicant

submits that the applicant was subjected to trial in SCC No. 56/2015 before the learned JMFC, Washi for the offences punishable under Sections 279, 304-A of the Indian Penal Code. On conclusion of trial the learned Magistrate pleased to convict the applicant for the offence punishable under Section 279 and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.4,000/-. Similarly the applicant has been convicted for the offence punishable under Section 304-A of the IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/-. Further the applicant is convicted for the offence punishable under Section 184 of the Motor Vehicle Act and sentenced to suffer simple imprisonment for 10 days.

4. The judgment and order of conviction dated 02-02-2018 passed in SSC NO. 56/2015 was assailed before the learned Sessions Court, Bhoom in Criminal Appeal No. 17/2018. The learned Sessions Court maintained the conviction and sentence with little modification as regards to the fine amount.

(3)

958criapln4539.23

He would submit that the applicant was on bail during the course of the trial so also the appeal and after conviction being confirmed by the appellate court the applicant surrendered on 21-12-2023. He would submit that there are good grounds in revision which requires consideration.

5. Learned APP opposes the prayer for grant of bail. Learned APP submits that both the courts have concurrently found the applicant to be guilty and there is no such grounds in revision that requires consideration.

6. Having considered the submissions advanced and on perusal of the reasoning adopted by the learned trial court as well as court of appeal, prima-facie it appears that the grounds raised in revision requires consideration after calling record and proceeding. Hence, the case is made out for release of applicant on bail. Hence, the following order:-

ORDER

- i] Criminal application is allowed.

(4)

958criapln4539.23

ii] Pending hearing and final disposal of this criminal revision application, substantive part of sentence imposed by the learned JMFC, Washi in SCC No. 56/2015 and confirmed by the learned Sessions Court, Bhoom in Criminal Appeal No. 17/2018 shall remain suspended till further orders.

iii] Meanwhile, the applicant be enlarged on bail on his executing P.B. & S.B. of Rs.15,000/- with one solvent surety in the like amount.

iv] Bail before the trial court.

v] The criminal application is accordingly disposed off.

[S. G. CHAPALGAONKAR, J.]

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