

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1233 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.76 OF 2023**

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Presenjeet Manabendra Sen

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Niranjan Mundargi with Mr. Omkar Nevgi & Mr.
Amit Singh i/by Mr. Mithun Khaire for the applicant.

Ms. M.R. Tidke, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 5, 2023

P.C.:

Criminal Revision Application No.76 of 2023:

1. Rule.

Interim Application No.1233 of 2023:

2. The interim application has been filed for suspension of sentence imposed by the learned Judicial Magistrate First Class, Pimpri, Pune in SCC No.1164 of 2018 by order dated 28th September 2021 confirmed by the learned Sessions Judge, Pune in Criminal Appeal No.154 of 2021 by order dated 24th March 2023 convicting and sentencing accused for offence under sections 304-A of IPC directing the applicant to undergo six months rigorous imprisonment and fine of Rs.5,000/-. The applicant is also directed

to undergo rigorous imprisonment of three months for offence under section 279 of the Code and fine of Rs.500/-.

3. Learned advocate for the applicant submitted that the statement of eye-witnesses were recorded after three days. The witness has not given details of the incident. According to him, he has good case on merits. During trial and during appeal, the applicant was released on bail and he did not violate the bail conditions. Hence, following order:

- a) Interim Application is allowed;
- b) The sentence imposed by the learned Judicial Magistrate First Class, Pimpri, Pune in SCC No.1164 of 2018 by order dated 28th September 2021 confirmed by the learned Sessions Judge, Pune in Criminal Appeal No.154 of 2021 by order dated 24th March 2023 is suspended;
- c) The applicant shall be released on cash surety of rs.5,000/-. The applicant shall furnish PR bond of Rs.5,000/- and one surety in the like amount within two weeks from the date of his release;
- d) The applicant shall report the Judicial Magistrate First Class, Pimpri, Pune once in a year;
- e) The applicant shall furnish his permanent address and cell phone number and permanent address and cell phone number of the surety.

4. The interim application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)