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Uday S. Jagtap

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

**INTERIM APPLICATION NO. 4134 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 374 OF 2023**

Rajendra Abhiman Karande .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....
Mr. Vikrant V. Phatate for the applicant
Ms. G.P. Mulekar, APP for the respondent – State
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 4th DECEMBER, 2023

P.C.

1. Heard learned Counsel for the applicant and the learned APP.
2. The applicant along with his cousin Samadhan Karande have been convicted of the offences punishable under Sections 326 and 323 of the India Penal Code, directing them to undergo rigorous imprisonment for 1 year *inter alia* fine of Rs.5,000/- each in default to undergo rigorous imprisonment for 3 months. Both of them have also been sentenced to undergo simple imprisonment for 1

month and fine of Rs.1,000/- for the offence under Section 323 of the IPC.

3. The present applicant had preferred an appeal before the Additional Sessions Judge, Solapur, which came to be dismissed by confirming the conviction and sentence passed by the Magistrate's Court, against which the present applicant preferred the instant Revision Application.

4. Learned Counsel for the applicant has invited my attention to the evidence of injured witness PW-1 Hanmant Wagaj, wherein it has been deposed that it was the accused Samadhan who took an iron rod from the hands of the applicant and started assaulting him, resulting into fracture of his left knee.

5. The applicant has been convicted under Section 326 of the Indian Penal Code. However, considering the evidence on record and also in light of the fact that there are no antecedents to the credit of the applicant coupled with the fact that the Revision may not be heard in the near future, no purpose would be served in incarcerating the applicant till the Revision Application is finally heard.

6. Having considered the aforesaid facts, the execution of the sentence awarded by the learned JMFC, Mohol, Dist. Solapur and confirmed by the lower appellate Court stands suspended upon the applicant furnishing a P.R. bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the Additional Sessions Judge, Solapur.

7. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)