

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION (REVN) NO.22 OF 2023

Yadorao @ Maharaj Sahebrao Bundi and Giri .VS. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr C. D. Rohankar, Advocate for the applicant
Mr S. A. Ashirgade, APP for the State

CORAM : G.A. SANAP, J.
DATE : FEBRUARY 16, 2023.

Heard.

2. Issue notice to the non-applicant, returnable within **four weeks.**
3. The Learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant/State.
4. The learned advocate for the applicant shall file the private paper-book for perusal of this Court.

CRIMINAL APPLICATION (APPR) NO. 26/2023

5. Issue notice to the non-applicant, returnable within **four weeks.**
6. Learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant/State. Learned Additional Public Prosecutor submits that the reply is not necessary to this

application for suspension of sentence.

7. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the non-applicant.

8. The applicant has challenged the order dated 13th January, 2023 passed by the learned Additional Sessions Judge, Wardha, whereby the learned Judge was pleased to dismiss the appeal and confirm the order of conviction and sentence awarded by the learned Chief Judicial Magistrate, Wardha vide order dated 10th October, 2019. The learned Chief Judicial Magistrate, Wardha vide order dated 10th October, 2019 had convicted the applicant and other accused for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 (IPC) and sentenced them to suffer simple imprisonment for two years and to pay fine of Rs.5,000/- each and in default of payment of fine, to suffer further simple imprisonment for six months.

9. The learned advocate for the applicant submits that fine amount has been deposited. The learned advocate submits that the applicant has good case on merits. The learned advocate further submits that during the pendency of the trial and in appeal, he was on bail and there is no grievance of misuse of the liberty.

10. The learned Additional Public Prosecutor submits that considering the facts and circumstances, appropriate order may be passed.

11. In the revision application, various grounds have been set out. The revision application is required to be heard on merits. The applicant was taken in custody on 13th January, 2023. In my view, no purpose would be served by keeping the applicant behind bars during the pendency of the revision application.

12. Accordingly, the application is **allowed**.

13. The substantive sentence awarded by the learned Chief Judicial Magistrate, Wardha vide order dated 10th October, 2019 in Regular Criminal Case No.363/2013 for the offence under Section 420 read with Section 34 of the IPC and confirmed by the learned Additional Sessions Judge, Wardha by the impugned order, shall remain suspended during the pendency of the revision application.

14. Applicant -Yadorao @ Maharaj Sahebrao Bundi @ Giri be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

15. The bail shall be furnished before the learned Additional Sessions Judge, Wardha to the satisfaction of the learned Judge.

16. The application stands **disposed of**.

(G. A. SANAP, J.)

Namrata