

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL REVISION APPLICATION NO. 80 OF 2023**

SATISH EKNATH LOKHANDE

VS

STATE OF MAHARASHTRA THROUGH PSO PS SELOO TAH. AND DIST.WARDHA AND ANOTHER

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri. M. N. Ali, Advocate for applicant.
Smt. Mayuri Deshmukh, APP for respondent No.1 State

CORAM : G. A. SANAP J.

DATE : 11/04/2023

Issue notice to the respondents, returnable
within **three weeks**.

2. Smt. Mayuri Deshmukh, learned APP
waives service of notice on behalf of respondent No.1
State.

3. The in-charge of the concerned Police
Station shall ensure the service of notice to the
respondent No.2 victim.

CRIMINAL APPLICATION (APPR) NO. 115 OF 2023

Learned APP waives service of notice on
behalf of respondent No.1 State.

2. Leaned APP submits that considering the
nature of the sentence awarded, the application can
be disposed of finally.

3. This is an application for suspension of substantive sentence i.e. rigorous imprisonment for two years. The appeal filed against the conviction for the offence punishable under Section 354 of the Indian Penal Code came to be dismissed on 27/03/2023.

4. Learned Advocate for the applicant submits that on 27/03/2023, the applicant/accused has been taken up in the custody. The learned Advocate submits that the applicant has a good case on merits. The substantive sentence is that the accused has to undergo two years of rigorous imprisonment. It is further pointed out that the accused has deposited the fine amount of Rs.25000/- (Rupees Twenty Five Thousand only) in the Trial Court.

5. Learned Advocate further submits that the revision application may take its own time for final adjudication and therefore, during such period the applicant/accused cannot be detained behind the bars. Therefore, the substantive sentence may be stayed and matter be heard and decide on merits.

6. Learned APP submits that considering the nature of the sentence, the Court may pass appropriate orders.

7. In the facts and circumstances of the present case, the application is allowed.

8. The substantive sentence awarded by the learned Magistrate and confirmed by the learned Additional Sessions Judge, Wardha shall remain suspended during the pendency of this revision application.

9. The applicant/accused be released on bail, on his furnishing P. R. Bond of Rs.15000/- (Rupees Fifteen Thousand only) and surety in the like amount.

10. The victim shall not be subjected to any kind of harassment.

11. Application is disposed of.

[G. A. SANAP, J.]