

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

**CRIMINAL REVISION APPLICATION (REVN) NO. 86 OF 2023**

Rama Popat Sathe .VS. State of Maharashtra

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

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Mr Haque Mohd Inamul, Advocate for the applicant  
Mr M. H. Deshmukh, APP for the State

**CORAM : G.A. SANAP, J.**  
**DATE : APRIL 21, 2023.**

Heard.

2. Issue notice to the non-applicant, returnable within  
**four weeks.**

3. Learned APP waives service of notice on behalf of  
non-applicant/State.

**CRIMINAL APPLICATION (APPR) NO. 124 OF 2023**

4. Heard.

5. Issue notice to the non-applicant, returnable within  
**four weeks.**

6. Learned APP waives service of notice on behalf of  
non-applicant/State.

7. This is an application for suspension of sentence.

The applicant was convicted vide judgment and order dated 27.08.2019 by the learned Judicial Magistrate First Class, Tah. Seloo, Distt. Wardha for the offence punishable under Section 471 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay a fine amount of Rs.10,000/- and in default to suffer rigorous imprisonment for 2 months. In the appeal, filed against this order the learned Additional Sessions Judge, Wardha by judgment and order dated 11.04.2023 confirmed this order of conviction and modified the substantive sentence from two years rigorous imprisonment to three months rigorous imprisonment. The order with regard to the fine amount of Rs.10,000/- has been confirmed.

8. In this application made for suspension of substantive sentence it is stated that accused was taken into custody on 11.04.2023. The learned Advocate for the applicant submits that fine amount has been deposited by the applicant. The learned Advocate submits that the applicant has good case on merits.

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

10. In the revision application, various grounds have

been set out. The revision application, in view of the factual position, would be required to be heard on merits. The hearing of the revision may take its own time. The applicant has already deposited the fine amount. On going through the record and proceedings and particularly the quantum of the substantive sentence, in my view, it would be in the interest of the justice to suspend the substantive sentence.

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

12. It is ordered that the substantive sentence passed by the learned Additional Sessions Judge, Wardha vide order dated 11.04.2023, shall remain stayed during the pendency of this revision application.

13. Applicant – Rama Popat Sathe be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

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

15. The application stands **disposed of**.

(G. A. SANAP, J.)

*Namrata*