

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

CRIMINAL APPLICATION NO.161 OF 2023

IN

CRIMINAL REVISION NO.112 OF 2023

(Bharat Sheshrao Nistane Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.J. Mirza, Advocate for the applicant.
Shri N.R. Patil, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MAY 19, 2023.

Heard.

2. By preferring this appeal, the appellant has challenged the judgment and order of confirmation of sentence passed by the Additional Sessions Judge-1, Amravati by which the learned Sessions Judge maintained the judgment and order of sentence passed by the Judicial Magistrate First Class, Tiosa, District Amravati dated 25/02/2020 in R.C.C. No.11/2018 by which the accused was sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs.50,000/- in default to suffer rigorous imprisonment for six months under Section 409 of the Indian Penal Code and undergo three years of rigorous imprisonment.

3. The appellant has not deposited the fine amount. Shri Mirza, learned Counsel for the applicant submitted that the applicant will deposit the fine amount within one month.

4. The ground raised by the applicant is that his son is suffering from Cancer and undergoing the treatment at Mumbai. The applicant is the only care taker of his son. He was on bail throughout the trial as well as throughout till decision of the appeal.

5. The appellant is sentenced to suffer three years of imprisonment and to pay fine of Rs.50,000/-. Thus, punishment is not ten years or more or the life imprisonment.

6. Considering the appellant was throughout till today was on bail, his prayer for bail can be considered by suspending the sentence.

7. Learned Additional Public Prosecutor waives notice for the State.

8. The appellant is released on bail on PR. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

9. The sentence is suspended till disposal of the present criminal revision.

10. The appellant shall deposit the fine amount of Rs.50,000/- within one month.

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Heard.

2. **ADMIT.**

3. Call for R. & P