

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

CRIMINAL APPLICATION (APPR) NO.435 OF 2022 IN
CRIMINAL REVISION APPLICATION NO.303 OF 2022

Rewaram s/o Udaram Bihune Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri M.B. Naidu, Advocate for applicant.
Shri S.A. Ashirgade, APP for non-applicant/State.

CORAM : G.A. SANAP, J.
DATE : JANUARY 10, 2023.

Heard learned advocate for the applicant and learned Additional Public Prosecutor for non-applicant/State. Perused the record and proceedings.

2. The revision has been filed challenging the judgment and order dated 09.12.2022 passed in Criminal Appeal No.95/2020 by the learned Additional Sessions Judge-12, Nagpur, whereby the learned Judge was pleased to confirm the order passed by the learned Judicial Magistrate First Class, Parseoni, District Nagpur. The learned Judicial Magistrate First Class vide order dated 14.11.2019 in Regular Criminal Case No.7/2020 had convicted the applicant for the offence punishable under Section 325 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for one year with fine of ₹2,000/-, in default to suffer simple imprisonment for 15 days.

3. Learned advocate for the applicant submits that applicant has deposited the fine amount.

4. The impugned order has been challenged on numerous grounds. It is submitted that applicant has good case on merits. He has been taken into custody on 09.12.2022. The revision may take its own time for final adjudication and therefore, detention of the applicant if continued, the same may frustrate the very purpose of filing of the revision.

5. On going through the record and proceedings, I am of the view that the applicant has made out a case for suspension of substantive sentence. Accordingly, the application is allowed. The substantive sentence of one year rigorous imprisonment for the offence punishable under Section 325 shall remain suspended during pendency of the revision application.

6. The applicant be released on his furnishing PR bond in the sum of ₹15,000/- with one surety in the like amount.

7. The application stands disposed of.

JUDGE

Wagh