

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2392 OF 2024
IN REVN/159/2024

Venkat Kundlikrao Patil

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Chatterji Joydeep

APP for Respondent/State : Mr. S.R. Wakale

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 19, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The accused has been convicted for the offence punishable under Section 420, 468 and 471 r/w 34 of the Indian Penal Code. The learned Trial Court has sentenced the applicant to suffer R.I. for five years. However, the First Appellate Court reduced it to three years.
3. Learned counsel for the applicant submits that the applicant has a good case on merit. The evidence has not been correctly appreciated. He is running 76. He never misused the liberty granted to him. Fine amount has already been deposited. Hence, sentence may be suspended till the conclusion of the revision application.

4. Learned APP has strongly opposed the application. He would submit that there are two concurrent judgments against the applicant. He is convicted for the serious offence of cheating and forgery. There are no errors in the impugned judgments and orders. Hence, the application may not be allowed.

5. Perused the impugned judgments and orders. The applicant has raised the ground of incorrect appreciation of evidence. The applicant appears to have prima facie case for consideration in revision application. There are no complaints against him about misusing the liberty granted to him. He is running 76. No harm would be caused if the sentence is suspended. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The sentence imposed upon the applicant to suffer R.I. for five years by the learned Chief Judicial Magistrate, Latur in Regular Criminal Case No.448/1999 dated 07.08.2014 for the offence punishable under Section 420, 468, 471 r/w 34 of the Indian Penal Code and confirmed by the learned Additional Sessions Judge, Latur in Criminal Appeal 127/2014 dated 07.06.2024

(3)

to suffer R.I. for three years, is suspended till conclusion of the revision application.

- (iii) The applicant be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety of the like amount, on the conditions that he would attend the proceeding on each date.
- (iv) Issue notice to the State, returnable on 07.08.2024.
- (v) Learned APP waives service of notice for the State.
- (vi) Bail before the learned Additional Sessions Judge, Latur.
- (vii) Call Record and Proceedings.

(S.G. MEHARE, J.)