

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2457 OF 2024
IN REVN/165/2024

Madan Motilal Sinhare

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Bodkhe Chandrakant Vinayak

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

...

CORAM : S.G. MEHARE, J.

DATED : JUNE 24, 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 324 of the Indian Penal Code. The learned Trial Court imposed a sentence to suffer S.I. for two years with fine of Rs.3,000/-. However, the First Appellate Court reduced the sentence to six months S.I. and maintained the fine.
3. Learned counsel for the applicant submits that the offence has not been proved but both Courts have incorrectly appreciated the evidence. There was absolutely no material against the applicant to hold him guilty.
4. Learned APP has strongly opposed the application. He would submit that there are two concurrent findings against the

applicant. The Appellate Court has taken a lenient view and reduced the sentence to six months only. The evidence has been correctly appreciated. Hence, the sentence may not be suspended.

5. Perused the impugned judgments and orders. The applicant appears to have grounds to argue in the revision. Hence, he deserve the suspension of sentence. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant to suffer S.I. for six months for the offence punishable under Section 324 of the Indian Penal Code imposed by the Additional Sessions Judge, Aurangabad in Criminal Appeal 24/2018 dated 19.06.2024, 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.
- (iv) Issue notice to the State, returnable on 05.08.2024.
- (v) Learned APP waives service of notice for the State.
- (vi) Bail before the learned Additional Sessions Judge, Aurangabad.
- (vii) Call Record and Proceedings.

(S.G. MEHARE, J.)