



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2989 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 193 OF 2024

Sandip s/o Vishnu Berad
Age 43 years, Occu. Agri.,
Taluka and District Ahmednagar.

... Applicants
[Orig. Accused]

Versus

The State of Maharashtra

... Respondent

.....
Mr. Narayan B. Narwade, Advocate for the Applicant.
Mrs. Chaitali Chaudhari Kutti, APP for Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 04 DECEMBER 2024

PER COURT :-

1. In the present application, prayers are raised for suspension of sentence and grant of bail pending hearing and final disposal of the Criminal Revision Application.

2. Learned counsel for the applicant submits that applicant has been convicted by order dated 15.02.2018 passed by learned JMFC, Court No.10, Ahmednagar in S.C.C. No. 593 of 2012 and the appeal preferred by him against said conviction has also been dismissed by learned Additional Sessions Judge, Ahmednagar by order dated

14.06.2024 passed in Criminal Appeal No. 64 of 2018. Learned counsel further pointed out that sentence awarded is of simple imprisonment for three (3) months for offence punishable under Section 304-A of the Indian Penal Code [IPC] and to pay fine for offence punishable under Section 279 of IPC and Sections 183, 184 of the Motor Vehicles Act. He submits that during trial, applicant was on bail. That, applicant has challenged the judgment and order of the trial court and the first appellate court by filing Criminal Revision Application. The same is pending. However, during pendency of the same, above prayers for suspension of sentence and grant of bail are pressed into service.

3. Learned APP opposed and requested to pass appropriate order.

4. After going through the papers, it seems that by judgment and order dated 15.02.2018 passed by the learned JMFC, Ahmednagar in S.C.C. No. 593 of 2012, the applicant has been convicted for offence punishable under Sections 304-A, 279 of IPC and Sections 183, 184 of the Motor Vehicles Act. The sentence awarded is apparently three months imprisonment for offence under Section 304-A of IPC. Said order of conviction is confirmed by the first appellate court, and the revision preferred by the applicant is still *sub-judice*. Therefore,

taking the above quantum of sentence as well as the nature of charge into consideration, prayers raised are required to be allowed. Hence, following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Sandip s/o Vishnu Berad in S.C.C. No. 593 of 2012 by the JMFC, Court No. 10, Ahmednagar on 15.02.2018 and confirmed by the Additional Sessions Judge, Ahmednagar by order dated 14.06.2024 passed in Criminal Appeal No. 64 of 2018, stands suspended till the final hearing and disposal of Criminal Revision Application No. 193 of 2024.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- IV. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]