

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 503 OF 2024

IN

CRIMINAL REVISION APPLICATION NO. 89 OF 2024

Dhanyakumar Nivrutti Jagtap

...Applicant

Versus

State Of Maharashtra

...Respondent

....

Mr. Manoj Singh a/w Mr. Puneet Singh, Ms. Usha Bhosale i/by MKS
Legal Associates, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th FEBRUARY, 2024.

P.C.:

1. This is an application for suspension of sentence and grant of bail during the pendency of the Revision Application No. 89 of 2024.

2. Vide Judgment and Order dated 16th December, 2015 passed by learned J.M.F.C. at Dahiwaid in R.C.C. No.66 of 2014, the Applicant and Accused No.2 were convicted for offences punishable under Section 452 r/w 34 of IPC and sentenced to suffer simple imprisonment for six months and to pay fine of Rs.500/- each. They were also convicted for offence punishable under Section 324 r/w 34 of IPC and sentenced to suffer rigorous

imprisonment for one year and to pay of Rs.1,000/- each. They were further convicted for offence punishable under Section 323 r/w 34 of IPC and sentenced to suffer simple imprisonment for six months and to pay fine of Rs.500/- each. The Accused Nos. 3 and 4 were acquitted of all the offences.

3. The Applicant and the Accused No.2 challenged the Judgment of the trial Court by preferring Criminal Appeal No.1 of 2016 before the Court of Additional Sessions Judge, Vaduj vide Judgment and Order dated 27th December, 2023. The Original Accused No.2 was acquitted of all the charges. The conviction of the Applicant was confirmed however, the sentence of imprisonment for one year imposed for conviction under Section 324 of IPC was reduced for six months.

4. Learned Advocate for the Applicant submits that the Applicant was taken in custody on 27th December, 2023 and since then he is undergoing sentenced. The Judgments of the Court below suffer from serious infirmities. Courts have not appreciated the evidence of proper perspective. The sentence is of short term. The Applicant was on bail during the trial and during the pendency of appeal.

5. Learned APP submits that there is concurrent findings of two Courts while convicting the Applicant. There is sufficient evidence against the Applicant to establish the charges. It is pertinent to note that the Applicant is in custody from 27th December, 2023 i.e. more than one month. The Appellate Court has reduced the sentence of imprisonment to six months out of which the Applicant had already undergone one month. Considering the aforesaid aspects, the sentence can be suspended and bail can be granted to them.

ORDER

- i. Interim Application No.503 of 2024 is allowed;
- ii. During the the pendency of Revision Application No.89 of 2024, the sentence of imprisonment imposed vide Judgment and Order dated 16th December, 2015 passed by learned J.M.F.C. at Dahiwadi in R.C.C. No.66 of 2014 and modified by Judgment and Order dated 27th December, 2023 passed by Additional Sessions Judge, Vaduj in Criminal Appeal No.1 of 2016 are suspended and the Applicant is directed to be released on bail on executing PR. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. The Applicant is permitted to furnish cash bail in the

sum of Rs.20,000/- for a period of eight weeks in lieu of surety.

iv. The Applicant shall attend the concerned Police Station once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further orders.

v. Interim Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)