

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

**INTERIM APPLICATION NO.452 OF 2024
WITH
INTERIM APPLICATION NO.453 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 79 OF 2024**

Sudhir Shivaji Sarade ... Applicant

Versus

The State of Maharashtra
Through P. I. Akkalkot North Police Station ...Respondent

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Mr. Ashok B. Tajane a/w Mr. Yuvraj A. Tajane, Advocate for the Applicant.

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

Mr. S. S. Rathod, Akkalkot North Police Station, Solapur Rural, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th FEBRUARY, 2024.

P.C.:

1. The applicant is convicted vide Judgment and order dated 3rd August, 2015 passed by the learned J.M.F.C. Akkalkot in Regular Criminal Case No.240 of 2007. The conviction is for offence under Section 279 of Indian Penal Code (for Short “IPC”) and sentenced to suffer rigorous imprisonment for six months and fine of

Rs.1,000/-. The applicant is further convicted for offence under Section 304(A) of IPC and sentenced to suffer rigorous imprisonment of two years and fine of Rs.50,000/-. He is also convicted for offences under Sections 337, 185, 66 & 187 of the Motor Vehicles Act and sentenced to pay fine of Rs.500/-, Rs.2000/-, Rs.2000 & Rs.500 respectively. The appeal challenging the Judgment of the trial Court has been dismissed vide Judgment and order dated 2nd January 2024.

2. Learned Advocate for the applicant submitted that the Judgment of the trial Court suffers from serious infirmities. The applicant was on bail during the trial and during the pendency of appeal. Pursuant to dismissal of appeal, the applicant has been taken in custody on 2nd January 2024. The applicant would deposit the fine amount within four weeks.

3. Learned A.P.P submitted that the offence is of serious nature. The applicant was driving the vehicle under the influence of liquor. 8 persons lost their lives and 12 persons suffered injuries in the incident. The revision application may be heard immediately.

4. Considering the factual matrix of the case and since the applicant is in custody since last one month, sentence can be suspended.

ORDER

- i. Interim Application Nos. 452 of 2024 and 453 of 2024 are allowed;
- ii. The Sentence of imprisonment imposed vide Judgment and order dated 3rd August, 2015 passed by the learned J.M.F.C. Akkalkot in Regular Criminal Case No.240 of 2007 and confirmed by vide Judgment and order dated 2nd January 2024 passed by Learned Sessions Judge, Solapur in Criminal Appeal No. 110 of 2015 is 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 shall report Akkalkot North Police Station once in three months on first Saturday of the month between 11.00 a.m. to 1.00 noon till final disposal of the revision application;
- iv. The applicant is granted four weeks time to deposit the fine amount.
- v. The revision application could be heard finally at the stage of admission.
- vi. Both Interim Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)