

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

**VASANT
ANANDRAO
IDHOL**

CRIMINAL REVISION APPLICATION NO. 201 OF 2024

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VASANT ANANDRAO
IDHOL

Date: 2024.06.15
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Mahesh Baliram Mate & Ors.		...Applicants
Versus		
State Of Maharashtra & Anr.		...Respondents

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Adv.D.S. Mhaispurkar , Advocate for the Applicants.

Mr.Yogesh Y. Dabke, APP for Respondent No.1 – State.

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CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	14TH JUNE 2024

P.C.:

1. Issue notice for final disposal returnable on 18.7.2024.
2. Learned APP waives notice for respondent no.1
The applicants to serve the other respondents by all permissible modes by returnable date. The revision applicants have been convicted for the offence punishable u/s 379 of IPC and sentenced to suffer RI for 1 year and pay a fine of Rs.1500/- each out of which Rs.3000/- are directed to be given to PW 1 Gokul. The fine is reported to have been

deposited. The learned counsel for the applicants submits, that though finding has been rendered by the learned Civil Court, that the complainant had failed to prove his lawful possession over the suit property to the extent of $\frac{1}{4}^{\text{th}}$ share from Eastern side of the land of Gat No.114, which indicated absence of the requirement of offence punishable u/s 379 of IPC, however though this finding was rendered by learned Civil Court in its judgment dated 30.3.2021 in RCS No.366 of 2013, the same was not brought to the notice of the learned Appeal Court, which has resulted in confirmation of the conviction and sentence awarded. Issue notice for final disposal, returnable on 18.7.2024. Learned APP waives notice for respondent no.1.

3. Till the returnable date, the sentence awarded by the trial Court is suspended.

4. The applicants be released on bail by furnishing PR Bond of Rs. 25,000/- with one solvent surety each before the concerned Magistrate.

(AVINASH G. GHAROTE, J.)