

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3800 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.536 OF 2024

Ramanuj Buddhiram Gupta

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

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- Ms. Priyanka H. Chavan i./by Nilesh Navale, Advocate for Applicant.
- Ms. Dhanalakshmi S. Krishnaiyer, APP for Respondent No.1 - State of Maharashtra.
- None for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 22, 2024

P.C.:

1. Heard Ms. Chavan, learned Advocate for Applicant and Ms. Krishnaiyer, APP for Respondent No.1 - State of Maharashtra.

2. The facts in the present case require immediate indulgence of this Court. Ms. Chavan, would submit that by virtue of the order dated 09.05.2019 passed by Assistant Sessions Judge, Thane in Sessions Case No.220 of 2016, Applicant stood convicted for offences punishable under Sections 306 and 498-A of the Indian Penal Code, 1908 (for short '**IPC**'). By virtue of the same judgement and order, the Applicant stood acquitted of the offences punishable under Sections 325, 504, 506 of IPC.

3. She would submit that at that time, the Applicant was enlarged on bail and the same bail order stood continued. The Applicant filed Criminal Appeal No.108 of 2019 before Additional Sessions Judge, Thane which is by the impugned judgement and order dated 29.08.2024 upheld the order of conviction dated 09.05.2019 passed by the Assistant Sessions Judge in the Sessions Court. She would submit that in view of the said judgement and order, Applicant was arrested on same date itself and he is in incarceration since then.

4. Though she has briefly touched upon the merits of the matter and would submit that the facts in the present case require immediate intervention of this Court in view of the liberty and freedom of the Accused, in view of the ingredients of Section 306 of IPC not having been satisfied, I have heard her on the facts stated by her.

5. Since Ms. Krishnaiyer, learned APP appearing for Respondent No.1 – State of Maharashtra has received the papers today itself, I propose to hear the Applicant and the learned APP on the Application for suspension of the sentence tomorrow.

6. I am informed that Affidavit of service has been filed and Respondent No.2 – Complainant has been served. Copy of this order, if possible, shall be served on the Respondent No.2 – Complainant by Ms. Chavan, learned Advocate for Applicant.

7. At the request of Ms. Krishnaiyer, stand over to **23rd October, 2024.** To be treated as part – heard.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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Date: 2024.10.22
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