



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO.33 OF 2024 IN
CRIMINAL REVISION APPLICATION NO.28 OF 2024

Ankush Baburao Vyavahare and another Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.M. Vishwarupe, Advocate for applicants.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : MARCH 01, 2024.

Heard.

2. By this application, the applicants are seeking suspension of sentence inflicted by the learned Judicial Magistrate First Class, Chimur vide judgment and order dated 14.11.2017 in Regular Criminal Case no.51/2016. By the impugned order, the learned Magistrate has convicted the applicants for the offence punishable under section 324 read with section 34 of the Indian Penal Code and they were sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.1000/-. An unsuccessful attempt has been made by filing appeal before Additional Sessions Judge, Warora in Criminal Appeal No.57/2017.

3. Heard learned counsel for the applicants as well as learned APP for the State.

4. The contention is that the main role played by the accused no.1 – Ganpat Vyavhare, who died and case against him is abated. The role against present applicants is that they

caught hold the complainant. Whether they have shared common intention with the main accused is a question, which will be gone into during the course of hearing of the revision application.

5. Considering the quantum of punishment i.e. three months, a case is made out for suspension of sentence.

6. Pending revision application, the substantive sentence dated 14.11.2017 passed by Judicial Magistrate First Class, Chimur by judgment and order dated 14.11.2017 in Regular Criminal Case no.51/2016 is hereby suspended.

7. Applicants – (1) Ankush Baburao Vyavahare and (2) Prabhakar Keshav Vyavahare be released on bail on executing PR bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

8. The applicants shall remain present before this Court at the time of final hearing of the revision application.

9. With this, the application stands disposed of.

JUDGE

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