



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

CRIMINAL REVISION APPLICATION (REVN) NO.109 OF 2024

Ganesh S/o. Ashok Lonkar

.Vs.

The State of Maharashtra, through PSO Hinganghat, Dist. Wardha

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

Mr M. V. Rai, Advocate for the applicant
Ms Ritu Sharma, APP for respondent/state

CORAM : G.A. SANAP J.

DATE : JULY 16, 2024

Heard.

2. Issue notice for final disposal at admission stage to the respondent.
3. Learned APP waives service of notice, on behalf of respondent/State.
4. Call for record and proceedings.
5. Stand over after **four weeks**.

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2024

6. Heard learned Advocate for the applicant/accused and learned APP for the State. Perused the record and proceeding.

7. Issue notice to the respondent.

8. Learned APP waives service of notice, on behalf of respondent/State.

9. The appeal filed by the applicant against his conviction and sentence (i.e. rigorous imprisonment for one year and fine of Rs.1000/-, in default to suffer rigorous imprisonment for 20 days for the offence punishable under Section 354 of the Indian Penal Code) came to be dismissed vide order dated 03.07.2024. He has been taken in custody on 03.07.2024. It is stated that the appellant has good case on merit. It is further stated that during the pendency of the trial as well as appeal, there is no grievance of misuse of the liberty.

10. Learned APP submitted that since concurrent finding of fact has been recorded against the appellant, he has no chance of succeeding this revision application.

11. I have given thoughtful consideration to the submissions. In the revision application, various grounds have been set out. The revision application, in view of the factual position, would be required to be heard on merits. The final adjudication of the revision application may take its own time. The applicant has been in jail since

03.07.2024. In my view, considering the facts and circumstances, it would be just and proper to allow this application.

12. Accordingly, the application is **allowed**.

13. It is ordered that the substantive sentence passed by the learned Judicial Magistrate First Class, Hinganghat vide order dated 08.07.2021 and confirmed by the learned Additional Sessions Judge, Hinganghat vide order dated 03.07.2024, shall remain suspended during the pendency of this revision application.

14. Applicant – Ganesh Ashok Lonkar be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

15. The bail shall be furnished before the trial Court to the satisfaction of the learned Judge.

16. The application stands **disposed of**.

(G. A. SANAP, J)