



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

CRIMINAL REVISION APPLICATION (REVN) NO. 119 OF 2024

Baliram S/o. Pandurang Ubarhande and another
.Vs.

The State of Maharashtra, through PSO, PS Buldhana (Rural), Dist. Buldhana

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

Mr N. B. Kalwaghe, Advocate for the applicants
Mr Suraj Hulke, APP for respondent/State

CORAM : G.A. SANAP J.
DATE : AUGUST 06, 2024

Heard.

2. Issue notice to the respondent.
3. Learned APP waives service of notice on behalf of respondent/State.
4. Call for record and proceedings.

CRIMINAL APPLICATION (APPR) NO. 154 OF 2024

5. Heard.
6. Issue notice to the respondent.
7. Learned APP waives service of notice on behalf of respondent/State.

8. The order of conviction and sentence passed by the learned Judicial Magistrate First Class, Buldhana has been maintained in appeal by the learned Additional Sessions Judge, Buldhana. The accused were convicted for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for two years and pay fine of Rs.10,000/-each, in default of payment of fine to suffer simple imprisonment for six months.

9. It is stated that the applicants have good case on merit. The grounds of challenge to the impugned order have been set out in the revision application. This Court has to examine the record and decide the revision application. It may take some time. The maximum sentence awarded is two years. The accused have deposited the fine amount. In my view, therefore, this is a fit case to suspend the sentence.

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

11. It is ordered that the substantive sentence passed by the learned Judicial Magistrate First Class, Buldhana and confirmed by the learned Additional Sessions Judge, Buldhana vide order dated 18.07.2024,

shall remain suspended during the pendency of the revision application.

12. Applicants – Baliram S/o. Pandurang Ubarhande and Vishnu S/o. Sukhdeo Gawande be released on bail on their furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with one surety in the like amount.

13. The bail shall be furnished before the learned Additional Sessions Judge, Buldhana to the satisfaction of the learned Judge.

14. The application stands **disposed of**, accordingly.

(G. A. SANAP, J)