



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

**CRIMINAL REVISION APPLICATION NO.200 OF 2024**

SUNIL CHAMPALALJI RATHI  
VS

STATE OF MAHARASHTRA THROUGH POLICE STATION DATTAPUR

---

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

*Court's or Judge's order*

---

Mr. H. M. Mohata, Advocate for the applicant/s  
Ms. Mukta Kavimandan, APP for the non-applicant-State  
-----

**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 10<sup>th</sup> December, 2024.**

1. Heard
2. **Admit.**
3. Call R & P
4. The learned APP waives service of notice for the non-applicant/state.

**CRIMINAL APPLICATION (APPR) NO.244 OF 2024**

5. Heard rival submissions.
6. As per Section 430 of the Bhartiya Nagrik Surksha Sanhita, 2023, the applicant-accused is seeking suspension of substantive sentence of imprisonment for the offence punishable under Section 406, 420, 468 read with 34 of the Indian Penal Code. The learned trial Court i.e. Judicial Magistrate First Class, Dhamangaon, in Regular Criminal Case No.87/2009 has sentenced the applicant-accused to suffer rigorous imprisonment for three years under each

Section.

7. The learned counsel for the applicant submits that twice the applicant-accused has undergone angioplasty and still suffering from heart disease. As such, he prayed for suspension as well as release of the applicant-accused.

8. The learned APP strongly opposed the application.

9. However, it appears that the applicant was on bail during the trial and also during pendency of appeal, but on confirmation of conviction recorded against him by the learned Appellate Court, he is in jail. Therefore, considering the fact of releasing the accused on bail by both the learned Courts-below, he can be released on bail by suspending his substantive sentence of imprisonment.

10. As such, the application stands **allowed** and the substantive sentence of imprisonment imposed upon the applicant-accused by the learned trial Court and confirmed by the learned Appellate Court, shall stand suspended during the pendency of this revision application.

11. The applicant-accused is hereby released on Personal Bond of Rs.25,000/- with one solvent surety in the like amount.

12. Bail is trial Court.

13. The application is **disposed of**.

**SANDIPKUMAR C. MORE, J.**