



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

CRIMINAL APPLICATION (APPR) NO. 50 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 42 OF 2024

VAIBHAV S/o HARIHAR KAPSE
VERSUS
STATE OF MAH., THRU. P.S.O. , P.S., CHIMUR, DIST. CHANDRAPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Karmanya Giripunje, Advocate h/f Mr. S. V. Sipurkar, Advocate
for the applicant
Mrs. M. R. Kavimandan, A. P. P. for the non-applicant/State.

CORAM : G. A. SANAP, J.
DATE : AUGUST 26, 2024.

1. Heard Ms. Karmanya Giripunje, learned advocate holding for Mr. S. V. Sirpurkar, learned advocate for the applicant and Mrs. M. R. Kavimandan, learned Additional Public Prosecutor for the non-applicant/State. Perused the record and proceedings.
2. This is an application for suspension of substantive sentence and for grant of bail.
3. By the judgment and order dated 10.10.2017, passed by learned Judicial Magistrate, First Class, Chimur, Dist. Chandrapur, in Regular Criminal Case No. 82/2015, the applicant has been convicted for the offence punishable under Section 325 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two months and to pay fine of Rs.3,000/- and in default to suffer further RI for

15 (fifteen) days. The said judgment and order has been confirmed by learned Additional Sessions Judge, Warora in an appeal bearing Criminal Appeal No. 54/2017 vide judgment and order dated 02.02.2024.

4. Learned advocate for the applicant submitted that the applicant has deposited the fine amount. The revision application filed by the accused/applicant, challenging the impugned judgment and order, has to be heard and decided on going through the record and proceedings. It will take some time.

5. In view of the above and looking to the quantum of substantive sentence, it would be just and proper to suspend the substantive sentence.

6. Accordingly, the criminal application is allowed.

7. The substantive sentence awarded by the learned Judicial Magistrate, First Class, Chimur, Dist. Chandrapur, vide judgment and order dated 10.10.2017 and confirmed by learned Additional Sessions Judge, Warora vide judgment and order dated 02.02.2024, shall remain suspended during pendency of this revision application.

8. Applicant – Vaibhav S/o Harihar Kapse be released on bail on his furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one surety in the like amount.

9. The criminal application stands disposed of in the aforesaid terms.

CRIMINAL REVISION APPLICATION No. 42/2024

List the revision application for final hearing at the admission stage after four weeks.

(G. A. SANAP, J.)

Diwale