



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

CRIMINAL APPLICATION (APPR) NO. 145 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 110 OF 2024

Ashok Nanaji Bawane

Vs.

The State of Maharashtra, thr. PSO Wardha, Dist. Wardha

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

Court's or Judge's orders

Mr. M.V. Rai, Advocate for the Applicant.
 Mr. Harshal Futane, APP for the Respondent/State.

CORAM : G. A. SANAP, J.
DATED : 5th AUGUST, 2024.

. Heard learned advocate for the applicant/accused
 and learned APP for the respondent/State.

2. The applicant has made this application for suspension of his substantive sentence awarded by the learned Judicial Magistrate First Class, Wardha, and confirmed in appeal by the learned Additional Sessions Judge, Wardha. The accused has been convicted for the offences punishable under Sections 341, 354, 323 and 325 of the Indian Penal Code, 1860 (for short, "IPC"). He has been sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.200/- for the offence punishable under Section 341 of the IPC; simple imprisonment for one year and to pay a fine of Rs.2,000/- for the offence punishable under Section 354 of the IPC; simple imprisonment for one month and to pay a fine of Rs.500/- for the offence punishable under Section 323 of the IPC and simple

imprisonment for two years and to pay a fine of Rs.2,000/- for the offence punishable under Section 325 of the IPC.

3. Learned advocate for the applicant/accused submits that the accused has a good case on merits. Learned advocate submits that the accused has deposited the fine amount. The grounds of challenge to the judgment and order have been set out in the revision application.

4. I have perused the judgment and order and the grounds of revision application. It needs to be stated that this revision application may take some time for disposal. The maximum sentence is two years simple imprisonment. In my view, considering the facts and circumstances and the quantum of the sentence, it would be just and proper to grant this application.

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

i] The substantive sentence, i.e., simple imprisonment for one month for the offence punishable under Section 341 of the IPC; simple imprisonment for one year for the offence punishable under Section 354 of the IPC; simple imprisonment for one month for the offence punishable under Section 323 of the IPC and simple imprisonment for two years for the offence punishable under Section 325 of the IPC awarded by the learned Judicial Magistrate First Class, Wardha in RCC No.124/2013 and confirmed in appeal by the learned Additional Sessions Judge, Wardha, shall remain suspended during the pendency of the revision application.

ii] Applicant/accused – Ashok Nanaji Bawane be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

iii] The bail before the Trial Court.

6. The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay