



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

CRIMINAL REVISION APPLICATION NO. 134 OF 2024

VIKAS DIWAKAR PIMPALKAR

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., GONDPIPRI, DIST. CHANDRAPUR

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

Court's or Judge's Order

Mr. A. A. Dhawas, Advocate for applicant.
Mr. A. R. Chutke, A. P.P. for the non-applicant/State.

CORAM : G. A. SANAP, J.

DATE : SEPTEMBER 04, 2024.

1. Heard Mr. A. A. Dhawas, learned advocate for the applicant.
2. Issue notice for final hearing at the stage of admission to the non-applicant/State.
3. Mr. Amit R. Chutke, learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant / State.
4. Learned advocate for the applicant shall produce on record either the paper book of the Appellate Court or the copies of the depositions.
5. Stand over after three weeks.

Criminal Application (APPR) No. 174 of 2024

1. Heard Mr. A. A. Dhawas, learned advocate for the applicant.
2. Learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State.

3. This is an application for suspension of sentence and for grant of bail.

4. The applicant has challenged the judgment and order dated 08.08.2024 passed by learned Sessions Judge, Chandrapur in Criminal Appeal No. 92/2017, whereby the learned Judge dismissed the appeal filed by the applicant against his conviction and sentence awarded by the learned Judicial Magistrate, First Class, Gondpipari vide judgment and order dated 18.09.2017 in Regular Criminal Case No. 52/2012.

5. The applicant, on conviction, has been sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.2,000/- with default clause, for the offence punishable under Section 354 of the Indian Penal Code.

6. Mr. Dhawas, learned advocate for the applicant submitted that he has good case on merits. He has stated the grounds of challenge to the impugned judgment and order in the revision application. It is submitted that the revision may take some time for disposal. Learned advocate, therefore, prayed that the sentence may be suspended and the applicant be released on bail.

7. Learned Additional Public Prosecutor submits that the applicant has been convicted of a serious offence. He submitted that the Court may pass an appropriate order considering the facts and circumstances of the case.

8. On going through the record and proceedings, I am of the view that this revision application has to be heard on

merits. The substantive sentence is imprisonment for six months. The applicant has already deposited the fine amount. It is further evident from the record that during pendency of the appeal, the applicant was on bail. There is no grievance of misuse of the bail conditions.

9. In view of the above, the criminal application is allowed.

10. The substantive sentence awarded by the learned Judicial Magistrate, First Class, Gondpipari vide judgment and order, dated 18.09.2017 and confirmed by the learned Additional Sessions Judge, Chandrapur, by the judgment and order dated 08.08.2024, shall remain suspended during pendency of the revision application.

11. Applicant – Vikas Diwakar Pimpalkar be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety of the like amount.

12. The criminal application (APPR) stands disposed of.

(G. A. SANAP, J.)

Diwale