

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

CRIMINAL REVISION APPLICATION NO. 143 OF 2024

Duryodhan s/o Tulshiram Bagade

Vs.

State of Maharashtra, through PSO, Chimur, District Chandrapur

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

Mr Mahesh Rai, Advocate for the applicant.

Mr H.D. Futane, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 06.09.2024

Heard.

2. Issue notice for final hearing at admission stage to the respondent.

3. Learned APP waives service of notice on behalf of respondent/State

4. Learned Advocate for the applicant shall produce on record the copies of the depositions or the paper book of the Appellate Court.

APPR NO.181 OF 2024.

1. Heard.

2. Issue notice to the respondent.

3. Learned APP waives service of notice on behalf of respondent/State.

4. This is an application for suspension of sentence. The applicant was convicted by the learned Judicial Magistrate First Class, Chimur for the offence punishable under Sections 406 and 409 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay a fine amount of Rs.3,000/- and in default to suffer rigorous imprisonment for three months. The appeal, filed by the applicant against his conviction and sentence came to be dismissed vide judgment and order dated 05.08.2024. Learned Judge had granted him time to surrender upto 05.09.2024. It is stated that accused has good case on merits. Revision application is required to be decided on merits. He was on bail during pendency of the trial as well as pendency of the appeal. There is no grievance of misuse of the liberty by the accused.

5. Heard learned Advocate for the applicant and learned APP for the State.

6. In view of the facts stated in the application the application is allowed.

7. It is ordered that the substantive sentence passed by the learned Judicial Magistrate First Class, Chimur and confirmed by the learned Additional Sessions Judge, Warora vide order dated 05.08.2024, shall remain

suspended during the pendency of this revision application.

8. Applicant – Duryodhan s/o Tulshiram Bagade be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

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

10. The application stands **disposed of**.

(G. A. SANAP, J.)

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