



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

CRIMINAL REVISION APPLICATION (REVN) NO.162 OF 2024

Hitesh @ Devendra S/o. Nandkishor Bansod

.vs.

State of Maharashtra, through PSO PS Saoner, Dist. Nagpur

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

Mr A. V. Muley Advocate for the applicant
Mr P. P. Pendke, APP for the respondent/State.

CORAM : G.A. SANAP J.
DATE : OCTOBER 16, 2024

Heard.

2. Issue notice to the respondent.
3. Learned APP waives service of notice on behalf of respondent/State.

CRIMINAL APPLICATION (APPR) NO. 208 OF 2024

4. Heard.
5. Issue notice to the respondent.
6. Learned APP waives service of notice on behalf of respondent/State.
7. This is an application for suspension of sentence. The applicant was convicted vide judgment and order dated 02.02.2018 passed by the learned Judicial

Magistrate First Class, Saoner, Dist. Nagpur for the offence punishable under Sections 324 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and directed to pay a fine amount of Rs.20,000/- and in default to suffer simple imprisonment for one month. In the appeal, filed against this judgment and order the learned Additional Sessions Judge, Nagpur confirmed this order of conviction and sentence vide judgment and order dated 10.09.2024.

8. The learned Advocate for the applicant submits that fine amount has been deposited by the applicant. The learned Advocate submits that the applicant has good case on merits. The learned Advocate further submits that during the pendency of the trial in appeal, he was on bail and there is no grievance of misuse of the liberty.

9. The learned Additional Public Prosecutor submits that considering the facts and circumstances, appropriate order may be passed.

10. In the revision application, various grounds have been set out. The revision application, in view of the factual position, would be required to be heard on merits. The hearing of the revision may take its own time. The applicant has already deposited the fine amount. On going

through the record and proceedings and particularly the quantum of the substantive sentence, in my view, it would be in the interest of the justice to suspend the substantive sentence.

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

12. It is ordered that the substantive sentence passed by the learned Judicial Magistrate First Class, Saoner, District Nagpur and confirmed by the learned Additional Sessions Judge, Nagpur vide order dated 10.09.2024, shall remain suspended during the pendency of this revision application.

13. Applicant – Hitesh @ Devendra S/o. Nandkishor Bansod be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

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

15. The criminal application stands **disposed of**.

(G. A. SANAP, J)