



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 668 OF 2024
WITH
CRIMINAL REVISION APPLICATION NO. 40 OF 2024**

Devanand S/o. Nagorao Kadam,
Age : 33 Years, Occu. : Driver,
R/o. Dhamdari, Tq. Ardhapur,
Dist. Nanded.

**... Applicant
(Orig. Accused)**

VERSUS

The State of Maharashtra
Through Police Station, Ardhapur,
Tq. Ardhapur, Dist. Nanded.

... Respondent

.....

Mr. Govind R. Ingole, Advocate for Applicant.
Mr. S.S. Dande, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Dated : 03rd February 2025

ORDER :

1. The present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class, Ardhapur, in S.C.C. No.206 of 2012, dated 13.04.2017 and confirmation of said judgment by learned Sessions Judge, Nanded, in Criminal Appeal No.39 of 2017, dated 08.01.2024, wherein the applicant has been sentenced to suffer maximum six

months imprisonment for offences under Sections 279 and 304-A of the Indian Penal Code each and to pay fine, respectively.

2. Learned counsel for the applicant pointed out that, the applicant was tried and charge-sheeted by learned Judicial Magistrate First Class, Ardhapur, vide S.C.C. No.206 of 2012, on allegation of commission of offences under under Sections 279, 337, 338 and 304-A of IPC. That, learned JMFC accepted the prosecution case and convicted the applicant for offences under Sections 279 and 304-A of IPC and sentenced him to suffer six months imprisonment each and to pay fine, respectively for above offences. That, the said judgment was taken exception by filing Criminal Appeal No.39 of 2017. However, learned Additional Sessions Judge, Nanded dismissed the appeal. That, against the said dismissal, revision has been preferred. That, much more time would be required to hear and to decide the revision on merits.

3. Learned counsel submitted that, in learned trial court as well as learned First Appellate Court, the applicant was on bail and even learned First Appellate Court was pleased to pass suspension of sentence and hence, during pendency of revision, learned counsel seeks similar relief of suspension of sentence and grant of bail.

4. Learned APP opposed on the ground that, on full fledged trial, guilt has been recorded and that, there is possibility of misuse the liberty. Hence, he prayed to reject the application.

5. After considering the submissions and on going through the papers, it seems that, vide S.C.C. No.206 of 2012, the applicant was tried for offences under Sections 279, 337, 338 and 304-A of IPC, by learned JMFC, Ardhapur and by judgment and order dated 13.04.2017, he is held guilty for offences under Sections 279 and 304-A of IPC and he has been sentenced to suffer imprisonment of six months each and to pay fine, respectively for above offences. Papers on record shows that, the said judgment was challenged before the learned Sessions Judge, Nanded, but the same came to be dismissed, thereby, confirmed the trial court's judgment.

6. Against this, revision has been preferred and apparently, it is of 2024. Sentence awarded is of six months. Much more time would be required to hear and to decide the revision. Statement was made across the bar that, during pendency of trial, before learned trial court as well learned First Appellate Court, the applicant was on bail and even learned First Appellate Court was suspended the sentence. Resultantly, taking into consideration such quantum of

sentence and revision being preferred in 2024 and same being pending, relief as prayed deserves to be granted. Hence, following order is passed.

ORDER

- i) The criminal application is allowed.
- ii) The substantive sentence imposed on applicant Devanand S/o. Nagorao Kadam, by learned Judicial Magistrate First Class, Ardhapur, vide S.C.C. No.206 of 2012 and confirmed by learned Additional Sessions Judge, Nanded, vide Criminal Appeal No.39 of 2017, stands suspended till final hearing and disposal of Criminal Revision Application No.40/2024.
- iii) The applicant be released on bail on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- iv) The applicant shall not commit any criminal activity.
- v) Bail before the trial court.

[ABHAY S. WAGHWASE, J.]