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

CRIMINAL APPLICATION NO.608 OF 2025 IN REVN/55/2025

1. Saibu S/o Govind Lanke,
Age: 49 years, Occ.: Labour,
2. Praful S/o Saibu Lanke,
Age: 26 years, Occ.: Student,
3. Ganpat S/o. Govind Lanke,
Age: 42 years, Occu.: Labour,

All R/o. Kasrali, Tq. Biloli,
Dist. Nanded.

... Applicants.

Versus

State of Maharashtra
Through Officer in Charge of Police
Stateion, Biloli, Dist. Nanded.

... Respondent

.....
Mr. Rupesh A. Jaiswal, Advocate for Applicants
Ms. Vaishali S. Choudhari, APP for Respondent No. – State

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 14 FEBRUARY 2025

PER COURT :-

1. Heard.
2. Issue notice to respondent. Learned APP waives service of notice for respondent – State.

3. This is an application for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class (Court No.2), Biloli in RCC No.102 of 2022 dated 21.08.2023 convicting the applicants for offence under Sections 323, 324, 504, 506 read with Section 34 of the IPC, and awarding sentence of imprisonment for six months and to pay fine, which is confirmed by learned Additional Sessions Judge, Biloli in Criminal Appeal No.20 of 2023 by order dated 10.02.2025.

4. Learned counsel for applicants submitted that, applicants are held guilty for offence under Sections 323, 324, 504, 506 read with Section 34 of the IPC, and they are sentenced to suffer six months imprisonment and to pay fine. He further submitted that during trial as well as during the pendency of the appeal, applicants were on bail. That, fine amount is already paid. That, now the revision has been preferred against the said impugned judgment of conviction, however, it being of the year 2025 and according to learned counsel, as there are no immediate prospects of hearing the revision, he urged for suspension of sentence and grant of bail.

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3. While opposing the application, learned APP submitted that, on full-fledge trial conviction is recorded. Appeal against the same has also been dismissed and for above reasons, relief is opposed.

4. Heard. Perused the papers. After considering the submissions and on going through the papers, it seems that, applicants were tried by learned J.M.F.C., Court No.2, Biloli for offence under sections Sections 323, 324, 504, 506 read with Section 34 of the IPC vide R.C.C. No.102 of 2022 and were held guilty by judgment and order dated 21.08.2023, thereby awarding sentence of six months and to pay fine. Against the said judgment criminal appeal bearing No. 20 of 2023 was preferred, but the same is also dismissed by judgment vide order dated 10.02.2025. Admittedly, judgment and orders of both, trial court as well as appellate court, are questioned by filing revision and the same is of the year 2025. There are no immediate prospects of hearing the revision and consequently, considering the quantum of sentence and nature of allegations, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Criminal Application stands allowed.

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- (ii) The substantive sentence imposed on the applicants Saibu S/o Govind Lanke, Praful S/o Saibu Lanke and Ganpat S/o. Govind Lanke by learned J.M.F.C. Court No.2, Biloli and as confirmed by learned Additional Sessions Judge, Biloli 10.02.2025 stands suspended till the final hearing and disposal of Criminal Revision Application No.55 of 2025.
- (iii) Applicants be released on P.R. Bond of Rs.15,000/- each (Rupees Fifteen Thousand Only) with one solvent surety each in the like amount.
- (iv) Bail before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane