



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

987 CRIMINAL APPLICATION NO. 903 OF 2025
IN
CRIMINAL REVISION APPLICATION ST. NO. 2382/2025
WITH
CRIMINAL APPLICATION NO. 904 OF 2025
IN
CRIMINAL REVISION APPLICATION ST. NO. 2382/2025
WITH
CRIMINAL REVISION APPLICATION ST. NO. 2382/2025

SACHIN BALASAHEB JAPKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mrs. Sonawane Sunita G.
APP for Respondent/State : Mr. S.P. Sonpawale
...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 08, 2025

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP.
2. Criminal Application No. 903/2025 is filed for condonation of delay of 372 days caused in filing the revision petition. The learned counsel for the applicant submits that the applicant was not aware of the conviction and that he became aware of the conviction only after he was arrested and therefore, the delay of 372 days is caused in filing the revision petition. In view of the submissions made above and for the reasons stated in the application, the application is allowed. Delay is condoned.
3. Criminal Application No. 904/2025 is filed for suspension of substantive sentence of two years imposed on the applicant punishable under section 379 of I.P.C. vide judgment and order dated 27.11.2023 passed by the learned Additional Sessions Judge-3, Ahmednagar in Criminal

Appeal No. 214/2017, thereby confirming the earlier sentenced imposed by the learned Chief Judicial Magistrate, Ahmednagar in Regular Criminal Case No. 814/2014 vide order dated 17.11.2017.

4. The learned counsel for the applicant submits that the applicant has been convicted only on the basis of statement made by him during custody on the basis of which it is alleged that the stolen vehicle was recovered. The learned counsel submits that the vehicle was recovered from the place which is within knowledge of all the concerned. The learned counsel submits that it is not just and proper on the part of the learned appellate Court to caste the burden on the applicant to demonstrate that the place from where the vehicle is recovered belongs to someone else and ought not to have been shown by the applicant. The learned counsel submits that this disclosure statement cannot be relied upon under section 27 of the Evidence Act by the learned Appellate Court as the same is not specifically within the knowledge of the applicant and the vehicle is recovered from the place visible in public view. The learned counsel submits that no burden ought to have been caste upon the applicant to demonstrate that the place from which the vehicle is recovered does not belong to the applicant. The learned counsel submits that there is no other material on record connecting the applicant to the crime. The learned counsel therefore prays for suspension of substantive sentence.

5. Considering the above submissions of the learned counsel for the applicant and on perusal of the judgment of the Appellate Court and considering that the applicant has surrendered himself on 17.2.2025 and since then he is behind bars and there are no antecedents against the applicant, the substantive sentence imposed on the applicant can be

suspended.

6. In view of the above, the substantive sentence imposed on the applicant is suspended. The applicant shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court. The application filed for suspension of substantive sentence is allowed and disposed of accordingly.

7. In revision, issue notice to the respondent. The learned APP waives service of notice for respondent/State.

8. **Admit.**

9. Call record and proceedings.

(ARUN R. PEDNEKER, J.)

ssc/