



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2948 OF 2024
IN REVN/191/2024

1. Kachru Kisanrao Sasane
Age: 67 years, Occu.: Nil.
2. Sharan Kachru Sasane
Age: 33 years, Occu.: Labour
3. Vijay Kachru Sasane
Age: 36 years, Occu.: Labour,
All R/o. Sanjaynagar, Galli no.9,
Tq. & Dist.Aurangabad (Chh. Sambhajinagar). ..Applicants
(Applicant no.1 to 3 are in jail) (Orig. Accused)

Versus

- . The State of Maharashtra
Through Police Station Officer,
Mukundwadi Police Station,
Tq. & Dist.Aurangabad (Chh. Sambhajinagar)

...
Advocate for Applicants : Mr. Syed Azizoddin R.
APP for Respondent : Mr.C.V.Bhadane

...
CORAM : ABHAY S. WAGHWASE, J.

DATE : 27 JANUARY, 2025

ORDER :

1. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Judicial Magistrate First Class, Aurangabad in Regular Criminal Case No.99 of 2013

dated 25-03-2019 for commission of offence under Sections 452, 323, 354, 504, 506, 427 read with Section 34 of the Indian Penal Code (IPC) and confirmed by learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.86 of 2019.

2. Learned Counsel for the applicants submitted that applicants were tried for the aforesaid offence. He pointed out that the maximum sentence awarded is of one year. That, applicants were on bail during the trial. That, after conviction recorded by the learned trial Judge, applicants preferred appeal and the same is dismissed by learned Additional Sessions Judge, Aurangabad by order dated 23-07-2024. Therefore, accused preferred revision application. According to learned Advocate, revision is preferred in 2024 and there is no immediate prospects of hearing of the revision in near future. For all above reasons, learned Advocate prays for grant of relief as prayed for.

3. Learned APP opposed the application on the ground that on full-fledge trial, guilt has been recorded by the trial Court and even the appeal preferred by the applicants has also been dismissed. Therefore, he prays to reject the application.

4. After considering the submissions of both the sides and on going through the papers, it seems that vide Regular Criminal Case No.99 of 2013, applicants were tried for aforesaid offence, and learned trial Court held them guilty. Amongst all sentence, maximum sentence imposed is of one year. Even appeal preferred by applicants went futile as judgment of the learned trial Court has been upheld by the learned Additional Sessions Judge, Aurangabad. Papers show that exception has been taken to the judgments of the learned trial Court and learned first appellate Court. Admittedly, revision is of 2024 and there being no immediate prospects of hearing of revision, relief as prayed deserves to be granted. Accordingly, I proceed to pass following order :

ORDER

- (i) Criminal Application No.2948 of 2024 is allowed.
- (ii) The substantive sentence imposed on the applicants
 - (i) Kachru Kisanrao Sasane, (ii) Sharan Kachru Sasane and (iii) Vijay Kachru Sasane by the learned Judicial Magistrate First Class, Aurangabad in Regular Criminal Case No.99 of 2013 on 25-03-2019 and confirmed by learned Additional Sessions Judge, Aurangabad on 23-07-2024, stands suspended till final hearing and disposal of Criminal Revision Application No.191 of 2024.

- (iii) The applicants (i) Kachru Kisanrao Sasane, (ii) Sharan Kachru Sasane and (iii) Vijay Kachru Sasane be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) each with one solvent surety in the like amount each.
- (iv) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE