



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

**924 CRIMINAL APPLICATION NO. 2945 OF 2025
IN REVN/246/2025**

ISHWAR KESHAV MATE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

WITH

CRIMINAL REVISION APPLICATION NO. 246 OF 2025

Mr. A. L. Kanade, Advocate for the applicant

Ms V. S. Choudhari, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 23rd SEPTEMBER, 2025

PER COURT :

1. The applicant has moved this application for suspension of the substantive sentence awarded by the learned JMFC, Ahmedpur, vide Judgment and order dated 10-06-2022 in RCC No.176/2018 and confirmed by the learned Additional Sessions Judge, Ahmedpur, by order dated 14-07-2025 passed in Criminal Appeal No.07/2022, pending the disposal of this revision application.

2. At the outset, it appears that the learned trial court convicted the accused vide order dated 10-06-2022 for the offences punishable under sections 354, 354-B, and 506-II of the IPC and sentenced as prescribed in the impugned order and also directed to

pay a fine. The maximum sentence of three years has been awarded. The applicant challenged the said order before the learned Additional Sessions Court, Ahmedpur. The appellate court partly allowed the appeal, thereby setting aside the sentence passed under Section 506-II of the IPC. However, maintaining the sentence awarded under Section 354 and 354-B of the IPC, and being aggrieved by the same, the applicant has preferred this criminal application in revision.

3. The learned advocate for the applicant submitted that he has paid the fine amount as well as deposited the compensation amount before the trial court, and accordingly, he drew my attention to the endorsement of the learned trial court below judgment and order dated 10-06-2022. He has also drawn my attention to the evidence of the PW-6, the Investigating Officer, and canvassed that the Investigating Officer did not seize the clothes of the victim nor send her for medical examination. Therefore, it creates doubt about the committal of the offence at the hands of the applicant. On perusal of the same, I find substance in his contention. He further argued that during the pendency of the trial and appeal, the applicant was released on bail. Therefore, he urged to suspend the substantive sentence awarded by the learned trial court and the appellate court.

4. To buttress his submissions he has relied upon the judgment of this court in Iqbal Chandulal Shaikh and others Vs the

State of Maharashtra and others and submitted that in view of the dictum laid down in the said judgment, the revision is maintainable and this court could exercise its discretion to suspend the sentence without accused surrendering himself pursuant to the order. Lastly, he submitted that the nature of the sentence is short-term.

5. Having considered the above submissions and having gone through the record as well as the dictum laid down in the judgment of *Iqbal* (Supra), prima facie, I find substance in the contention of the learned advocate for the applicant to suspend the sentence awarded on him.

6. Moreover, it is evident that the applicant has preferred the revision challenging the judgment and order passed by the learned trial court and the appellate court. The revision application will take its own time to be finally decided. Thus, in my opinion, it would be appropriate to suspend the sentence awarded by the learned trial court and confirmed by the appellate court and release the applicant on bail during the pendency of this revision application.

7. As a result, the application is allowed in terms of prayer clause **B**. The applicant is directed to execute the PB and SB of Rs. 50,000/- before the learned Appellate Court within two weeks, failing which, further orders will be passed.

8. The application is disposed of.

CRIMINAL REVISION APPLICATION

1. Heard.
2. Having considered the grounds raised in the revision memo, the revision is '**admitted**'.
3. The learned APP waives service of notice for the respondent/State.
4. Call for Record & Proceedings.
5. List the revision after receipt of the R & P.

[ABHAY J. MANTRI, J.]

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