



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3832 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 323 OF 2025

Ganesh Laxman Tathe

..APPLICANT

VERSUS

Kamruddin Kasambhai Attar and Another

..RESPONDENTS

....

Mr. M.H. Shaikh, Advocate h/f Mr. J.I. Shaikh, Advocate for applicant
Mr. R.K. Ingle, A.P.P. for respondent no.2 - State

....

CORAM : ABHAY J. MANTRI, J.
DATE : 15th OCTOBER, 2025

PER COURT :

1. The applicant / accused moved this application to suspend the substantive sentence awarded by learned Additional Chief Judicial Magistrate, Ahmednagar in S.C.C. No. 669 of 2022 vide judgment and order dated 28th February, 2023 and confirmed by the Additional Sessions Judge, Ahmednagar in Criminal Appeal No. 90 of 2023 vide judgment and order dated 03rd July, 2025, whereby he was sentenced to suffer simple imprisonment for six months and to pay compensation of Rs.2,30,000/- to the complainant, and release him on bail.

2. Heard learned counsel for the applicant and learned A.P.P. for the Respondent No.2-State. Perused the application, impugned judgments and the record.

3. At the outset, it appears that during the trial, the applicant was on bail, and after the passing of the conviction order, he was released on bail. After passing the Judgment and order by the learned appellate court, he did not comply with condition no.3 of the said order that he was to surrender himself before the Court. The conduct of the applicant indicates that the applicant wants to protract the matter instead of complying with the orders passed by the trial Court as well as the appellate Court.

4. However, considering the nature of offence and punishment awarded on him, I deem it appropriate to suspend the substantive sentence awarded on the applicant by the impugned judgments and orders till disposal of the revision application, subject to deposit of 50% of the cheque amount (including the amount which he has already deposited in the Court) within four weeks from today, till the disposal of the revision. The applicant be released on bail on furnishing P.B. and S.B. of Rs. 1,00,000/- (Rupees One Lakh) with one or two sureties in the like amount within four weeks from today, failing which a necessary order will be passed.

5. Application is disposed of accordingly.

(ABHAY J. MANTRI, J.)

SSD