



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4665 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 308 OF 2024

Dharampuri S/o. Laxman Pande,
Age : 42 years, Occu. : Service,
R/o. Sangam, Tq. Biloli,
Dist. Nanded.

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. Upendra Bapurao Bilolikar, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent - State.
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 06 JANUARY 2025
PRONOUNCED ON : 08 JANUARY 2025

ORDER :

1. Present application is for suspension of sentence and grant of bail as a result of conviction recorded by learned Additional Chief Judicial Magistrate, Biloli in R.C.C. No.167 of 2012 and further confirmed by learned Additional Sessions Judge, Biloli in Criminal Appeal No. 25 of 2017.

2. Learned counsel for applicant pointed out that, applicant was tried by learned Additional Chief Judicial Magistrate for offence punishable under sections 468 and 471 of Indian Penal Code by

judgment and order dated 16.08.2017. Learned trial court held present applicant guilty for above offences. Exception was taken to the same by filing appeal bearing Criminal Appeal No.25 of 2017 before Additional Sessions Judge, Biloli. However, even said first appellate court by its judgment and order dated 07.11.2024 upheld the conviction passed by learned trial court. That, learned trial court has awarded the sentence of two years for offence punishable under sections 468 and one year for offence punishable under section 471 of IPC and to pay fine. That, fine is deposited. However, as revision take long time to be heard and decided, learned counsel prays for suspension of sentence as well as grant of bail.

3. Learned APP fairly opposed the above application.

4. After going through the papers and considering the submissions, it transpires that, prosecution was launched by Ramtirth Police Station. R.C.C. No. 167 of 2012 was conducted by learned Chief Judicial Magistrate, Biloli and on appreciating the evidence, he accepted the case of prosecution regarding commission of offence under section 468 and 471 of IPC and appears to have been sentenced present applicant for two year and one years respectively for each of the offences. Appeal against the said order also seems to be dismissed by learned Additional Sessions Judge by order dated 07.11.2024, confirming the conviction.

5. Feeling aggrieved by the same, revision seems to have been preferred before this Court. It submitted that there is no conclusive evidence about commission of offence. There is every hope of succeeding in revision and hence prayers of both suspension of sentence and grant of bail pressed into service. Apparently, Revision is of 2024 and therefore, considering the above, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- i] Criminal Application stands allowed.
- ii] The substantive sentence imposed on the applicant Dharampuri S/o. Laxman Pande by learned Chief Judicial Magistrate, Biloli in R.C.C. No.167 of 2012 and as confirmed by learned Additional Sessions Judge, Biloli on 07.11.2024 stands suspended till the final hearing and disposal of Criminal Revision Application No.308 of 2024.
- iii] The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- iv] The applicant shall not commit any criminal activity.
- v] Bail before the trial court.

(ABHAY S. WAGHWASE, J.)