



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4359 OF 2025  
IN  
CRIMINAL REVISION APPLICATION NO.365 OF 2025

Arvind Amar Sikdar,  
Age : 44 years, Occ. : Labour,  
R/o. Subhedar Vasti, Ward No.2,  
Tq. Shrirampur, Dist. Ahilyanagar.

... Applicant  
(Orig. Accused)

Versus

The State of Maharashtra,  
Loni Police Station,  
Tq. Rahata, Dist. Ahilyanagar.

... Respondent  
(Orig. Respondent)

.....  
Mr. S. G. Sonawane, Advocate for Applicant.  
Mrs. P. V. Diggikar, APP for Respondent – State.  
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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 08 DECEMBER 2025**

**PRONOUNCED ON : 09 DECEMBER 2025**

**ORDER :**

1. Instant application is for suspension of sentence awarded by learned Additional Sessions Judge-1, Rahata in Criminal Appeal No.02 of 2024 (Old Criminal Appeal No. 13 of 2015) for commission of offence punishable under section 33(2) of the Maharashtra Medical Practitioner Act.
2. It is pointed out that, applicant was tried as accused in

R.C.C. No. 17 of 2010 for above offence and came to be convicted for two years imprisonment and made to pay fine of Rs.5,000/-. That, said order of learned J.M.F.C., Rahata was assailed before the learned Additional Sessions Judge-1, Rahata, however, the same came to be dismissed confirming the order of trial court. That, the same has been challenged by filing Revision Application bearing No. 365 of 2025 and the same being recent and will take long time to be heard and decided. According to learned counsel, applicant was on bail before the learned trial court as well as first appellate court. He has a good case on merits and therefore, suspension of sentence and grant of bail is urged for during pendency of the revision.

3. Learned APP opposed on the ground that, serious offence is committed and the same is substantiated and proved by the prosecution in both, learned trial court as well as first appellate court. That, without possessing requisite qualification, applicant was practicing by posing himself to be a Doctor. That, there is ample evidence, and therefore, finding of guilt has a strong foundation. Hence, she opposes the relief of suspension and grant of bail.

4. Heard. Perused the papers. It seems that, present applicant was prosecuted for commission of offence under sections 33(1) and 33(2) of the Maharashtra Medical Practitioners Act, 1961, on the premise

that, without possessing requisite qualification by posing himself as a doctor, applicant was running a clinic and examining and treating patients by prescribing medicines. He seems to be accordingly apprehended and tried by learned J.M.F.C., who on complete trial, held him guilty for offence punishable under sections 33(1) and 33(2) of the said Act. Papers show that, Criminal Appeal was preferred bearing No. 02 of 2024 before the Court of Sessions and the same seems to be dismissed by order dated 29.10.2025, which is now assailed by way of revision before this court. Apparently revision is of 2025. Statement is made across the bar that both, in the trial court as well as in the first appellate court, applicant was on bail. Even the operative part of first appellate court shows that applicant was required to be taken into custody, meaning thereby, he was on bail. For above reasons, during pendency of revision, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :

### **ORDER**

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Arvind Amar Sikdar in R.C.C. No.17 of 2010 by the learned J.M.F.C., Rahata, on 04.04.2015, which is confirmed by learned Additional Sessions Judge-1, Rahata by order dated 29.10.2025 in Criminal Appeal No.02 of 2024, stands suspended till the final hearing and disposal of Criminal Revision Application No. 365 of 2025.

- 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. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent appearances.
- VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- VII. Bail before the trial court.

**(ABHAY S. WAGHWASE, J.)**