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

916 CRIMINAL APPLICATION NO.698 OF 2025 IN REVN/71/2025

Vijay Ashok Chemte,
Age – 36 years, Occu.: Labour,
R/o. Shingori, Tq. Shevgaon,
Dist. Ahmednagar.

... Applicants

VERSUS

The State Of Maharashtra

... Respondent

.....
Mr. N.B. Narwade, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 21 FEBRUARY 2025

PER COURT :-

1. Not on board. Taken on board.
2. Heard.
3. Issue notice to respondent – State. Learned APP waives service of notice for respondent – State.
4. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate, First Class, Court No.2, Georai, Dist. Beed in R.C.C. No.37 of 2020, and the same is affirmed by the learned Sessions Judge, Beed in Criminal Appeal No.04 of 2024.

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5. It is pointed out that applicant faces trial for commission of offence under Section 379 of the Indian Penal Code (IPC), and he came to be convicted by learned Judicial Magistrate, First Class, Court No.2, Georai, imposing sentence of one year and to pay fine. Against the same, appeal bearing No.4 of 2024 was preferred, but learned Sessions Judge, Beed by judgment and order dated 13.02.2025, dismiss the appeal, and confirmed the trial Court's order. It is further submitted that, revision has been preferred against the same. That, said judgment of learned Sessions Court is questioned by filing revision before this court. According to learned counsel, revision being of current year, there are no immediate prospects of it being taken up for hearing. Consequently, considering the quantum of sentence, learned counsel urges for suspension of sentence and grant of bail.

6. The learned APP opposed the application on the ground that, the learned trial court, after appreciating the entire evidence, recorded the guilt. Learned APP further apprehends the possibility of misuse of liberty if granted. On all above counts, learned APP seeks rejection.

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7. After considering the submissions, nature of accusation, quantum of sentence, and as the revision is of the year 2025, obviously some more time would be required to hear the same, 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, namely Vijay S/o Ashok Chemte by learned Judicial Magistrate, First Class, Court No.2, Georai in R.C.C. No.37 of 2020 dated 05.01.2024, and confirmed by learned Sessions Judge, Beed on 25.02.2025 in Criminal Appeal No. 04 of 2024, stands suspended till the final hearing and disposal of Criminal Revision Application No.71 of 2025.
- (iii) The applicant be released on PR. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (iv) The applicant shall not indulge in similar offence.
- (v) Bail before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**