

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Interim Application No.133 of 2025

In

Criminal Revision Application No.8 of 2025

Nitin Vilas Naik

Age:42 years, Occ: Agriculture,

A/p. Village Alte (Naikmala)

Dist.: Sangli

(Presently lodged at

District Prison Sangli)

(Org. Accused)

... Applicant

versus

1. The State of Maharashtra
Through Officer Incharge
Kavathemahankal Police Station,
Dist.: Sangli

2. Maruti Sadashiv Pawar
Age: 37 years, Occ: Agriculture,
A/p. Village Kuchi,
Tal: Kavathemahankal,
Dist.: Sangli.

... Respondents

Mr Prajakt M Arjunwadkar, a/w. Mr Raj S Satam, for the
applicant.

Mr Yogesh Y Dabke, APP, for respondent No.1/ State.

Coram: R.N. Laddha, J.

Date: 20 January 2025.

P.C.:

. The applicant faced trial in SCC No.531 of 2016 for offences punishable under Sections 279 and 304A of the Indian Penal Code and Section 184 of the Motor Vehicles Act, 1988. By a judgment and order dated 4 March 2017, the trial Court convicted the applicant for offences punishable under Sections 297 and 304A of the Indian Penal Code ('IPC'). The applicant was sentenced as follows: (i) simple imprisonment for six months for the offence under Section 279 of the IPC and a fine of Rs.500/- (with default stipulations), and (ii) simple imprisonment for six months and a fine of Rs.500/- (with default stipulations) for the offence under Section 304A of the IPC. These sentences were directed to run concurrently. Aggrieved, the applicant filed an appeal bearing No.73 of 2017 before the Court of Ad-hoc District Judge-1 and Additional Sessions Judge, Sangli. By a judgment and order dated 13 December 2024, the appellate Court confirmed the applicant's conviction. Dissatisfied, the applicant preferred a revision application before this Court, and by the present application, the applicant seek suspension of sentence and release on bail.

2. Mr Prajakt M Arjunwadkar, the learned Counsel appearing on behalf of the applicant, highlighting the alleged deficiencies in the prosecution's case, submits that the trial

Court failed to appreciate the evidence of the eyewitnesses. Further, the learned Counsel submits that the applicant was on bail during the pendency of the trial and the appeal. The applicant has been in custody since 13 December 2024. The applicant is ready to abide by all the conditions this Court imposes if released on bail.

3. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request, emphasises the gravity of the offence. He contends that the evidence on record strongly supports the prosecution's case and does not warrant suspension of the sentence and the applicant's release on bail.

4. This Court has given anxious consideration to the rival contentions and perused the record.

5. In the present case, the applicant is required to undergo maximum simple imprisonment for six months each for offences under Sections 297 and 304A of the IPC. During the pendency of the trial and the appeal, the applicant was enlarged on bail. The revision has been filed in 2025 and is unlikely to be heard immediately. If, at this juncture, the relief is denied, the applicant is likely to complete the entire term of his

sentence before the revision is heard. In these circumstances, a case is made out for a grant of suspension of sentence pending the revision and release on bail. Hence, the following order:

ORDER

(i) The sentence imposed upon the applicant vide the judgment and order dated 4 March 2017 passed by the Court of Judicial Magistrate First Class at Kavathe-Mahankal, Sangli, in SCC No.531 of 2016 and confirmed by the judgment and order dated 13 December 2024 passed by the Court of Ad-hoc District Judge-1 and Additional Sessions Judge, Sangli, in Criminal Appeal No.73 of 2017, is suspended during the pendency of the revision, subject to the applicant executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

6. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)