

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

**Interim Application No.484 of 2025
in
Criminal Revision Application No.35 of 2025**

Atmaram Vishnu Naik
Age: 37 years, Occ: Labourer,
R/at: Vagheshwar Dnyanwadi,
Taluka: Alibaug, Dist. Raigad. ... Applicant

Versus

The State of Maharashtra
(Through Senior Inspector of Police,
Poynad Police Station, Dist: Raigad) ... Respondent

Mr Shailesh Chavan, along with Mr Sumitkumar Nimbalkar
i/by Govind Mundhe, for the applicant.
Mr VN Sagare, APP, for respondent/ State.

**Coram: R.N. Laddha, J.
Date: 3 April 2025**

P.C.:

Heard Mr Shailesh Chavan, learned Counsel appearing on
behalf of the applicant, and Mr VN Sagare, learned Additional
Public Prosecutor representing the respondent/ State.

2. The applicant faced trial in RCC No.35 of 2015 before
the Judicial Magistrate First Class, Alibaug, Raigad, for the

offences punishable under Sections 3(1) read with 25 of the Arms Act, 1951. By the judgment and order dated 13 March 2019, the applicant was convicted and sentenced to suffer simple imprisonment for one year and pay a fine of Rs.5,000/- with default stipulations.

3. Aggrieved, the applicant preferred an appeal bearing No.46 of 2019 before the Sessions Court at Alibaug, Raigad, which was dismissed against the applicant vide the judgment and order dated 23 November 2024. Dissatisfied, the applicant filed a revision before this Court and, by the present application, seeks suspension of sentence and release on bail.

4. Mr Shailesh Chavan, learned Counsel appearing for the applicant, highlighting the alleged deficiencies in the prosecution case, argues that the testimonies of the prosecution witnesses lack credibility and do not inspire confidence. He contends that the charge framed against the applicant was defective. Additionally, PW-6 acknowledged that he had not reviewed the ballistic report before granting the sanction to prosecute the applicant. Further, learned Counsel submits that the applicant was enlarged on bail throughout the trial and the appeal, and the sentence imposed is relatively short, with the applicant having already served four months. The applicant is willing to adhere to any conditions set by this Court and is

willing to fully cooperate with the revision proceedings if released on bail.

5. Mr VN Sagare, learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request, refers to the seriousness of the charge under which the applicant has been convicted and submits that the evidence on record strongly supports the prosecution's case and does not warrant the applicant's release on bail.

6. It is a well-settled position in law that the appellate or revisional Court can leniently consider a convict's request for suspension of the sentence in cases where the term of the sentence is fixed except in exceptional circumstances or where restrictions under any statute apply. If the sentence imposed cannot be suspended, the appellate or revisional Court must endeavour to adjudicate the appeal or revision on merits, especially in cases where there is a plea for expeditious resolution. Failing to do so could jeopardise the applicant's statutory rights due to the passage of time. In situations where the appellate or revisional Court recognises that practical circumstances may hinder the prompt resolution of the appeal or revision, it becomes essential for the Court to exercise heightened diligence in deliberating on sentence suspension. This ensures that the appeal or revision process remains viable,

meaningful, and effective. Additionally, when granting bail, the appellate or revisional Court has the discretion to impose certain conditions. A profitable reference in this regard can be made to the decision in *Bhagwan Rama Shinde Gosai v. State of Gujarat*¹.

7. Upon perusing the records, it appears that the applicant has been sentenced to suffer simple imprisonment for a year and has already served four months. The alleged incident in question occurred in 2013. While this Court acknowledges the arguments put forth by the learned APP regarding the gravity of the offence and the post-conviction stage of the proceedings, it is essential to consider that the present revision has been filed in 2025, and is unlikely to be heard in the near future due to the pendency of older revision applications. If relief is denied at this stage, the applicant may complete the entire term of the sentence. Moreover, nothing on record suggests that exceptional circumstances exist to justify the refusal of the relief prayed for. Given the above, this Court deems it fit to allow the present application. Hence, the following order:

ORDER

- (i) The sentence imposed upon the applicant vide the judgment and order dated

¹ (1999) 4 SCC 421

13 March 2019 passed by the Judicial Magistrate First Class, Alibaug Raigad, in RCC No.35 of 2015, and confirmed vide the judgment and order dated 23 November 2024 passed by the Sessions Court at Alibaug, Raigad, in Criminal Appeal No.46 of 2019, stand suspended during the pendency of the revision.

(ii) The applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

8. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)