

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

**Interim Application No.916 of 2025
In
Criminal Revision Application No.84 of 2025**

1. Shivaji Ganpat Dhaigude

Age: 61 years, Occ: Agriculturist

2. Balu Ganpat Dhaigude

Age: 76 years, Occ: Agriculturist,

Both residing at Khed BK, Taluka

Khandala, District: Satara

At present in Satara Jail, Dist. Satara

... Applicants

versus

The State of Maharashtra

Through Lonand Police Station,

District: Satara

... Respondent

Mr Kuldeep U Nikam, for the applicants.

Mr VN Sagare, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 20 March 2025.

P.C.:

The applicants (accused Nos.1 and 2) faced trial in RCC No.43 of 2015 before the learned Judicial Magistrate First Class, Khandala, for the offences punishable under Sections 324, 149, 143, 147, 504 and 506 of the Indian Penal Code

(‘IPC’) and Sections 37(1)(3) read with 135 of the Maharashtra Police Act, 1951 (‘Police Act’). By a judgment and order dated 6 August 2019, the applicants were acquitted of the offences punishable under Sections 504 and 506 read with 149 IPC and convicted for the offences punishable under Sections 324, 143, 147 and 148 of IPC and Section 135 of the Police Act. The applicants were sentenced to suffer: (i) rigorous imprisonment for two months and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 143 IPC, (ii) rigorous imprisonment for one year and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 147 IPC, (iii) rigorous imprisonment for one year and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 148 IPC, (iv) rigorous imprisonment for two years and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 324 IPC, and (v) rigorous imprisonment for six months and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 135 of the Police Act. These sentences were directed to run concurrently.

2. Aggrieved, the applicants preferred an appeal bearing No.72 of 2023 before the Court of Additional Sessions Judge at Wai, Satara, which was dismissed against the applicants by a judgment and order dated 11 February 2025. Dissatisfied, the

applicants filed a revision before this Court and, by the present application, seek suspension of sentence and release on bail.

3. Mr Kuldeep Nikam, the learned Counsel appearing on behalf of the applicants, pointing out the alleged deficiencies in the prosecution case, argues that the testimonies of the prosecution witnesses lack credibility and fail to inspire confidence. He submits that there was a scuffle and cross cases were registered. Further, no weapon was recovered, and the panch witness of the seizure panchanama did not support the prosecution case. The applicants were on bail during the trial and the appeal. The learned Counsel further submits that the applicants are senior citizens and have been languishing in jail since 11 February 2025. The applicants are ready to comply with any conditions this Court imposes and cooperate fully with the revision proceedings if released on bail.

4. Mr VN Sagare, the learned Additional Public Prosecutor representing respondent No.1/ State, opposing the applicants' request, refers to the seriousness of the charge under which the applicants are convicted and submits that the evidence on record strongly supports the prosecution's case and does not warrant the applicants' release on bail.

5. It is a well-settled position in law that the appellate 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.

6. Upon perusing the records, it appears that the sentence imposed upon the applicants is a short one. The alleged incident occurred in 2015. The applicants are senior citizens.

¹ (1999) 4 SCC 421

While this Court acknowledges the arguments presented by the learned APP regarding the seriousness of the charge on which the applicants are convicted and the post-conviction stage of the proceedings, it is imperative 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, at this stage, relief is denied, the applicants may serve the entire term of the sentence. Moreover, there is nothing on record to suggest that exceptional circumstances exist to justify the refusal of the relief prayed for. In light of the above, this Court deems it fit to allow the present application in the following terms:

(i) The sentence imposed upon the applicants vide the judgment and order dated 6 August 2019 passed by the Judicial Magistrate First Class, Khandala, in RCC No.43 of 2015, and confirmed by the judgment and order dated 11 February 2025 passed by the Additional Sessions Judge, Satara, in Criminal Appeal No.72 of 2023, stand suspended during the pendency of the revision.

(ii) The applicants shall be released on

bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

7. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)