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

Interim Application No.970 of 2025

In

Criminal Revision Application No.100 of 2025

1. Sadhu Tukaram Bhujbal
Age 57 years, Occu-Agri.
2. Suresh Tukaram Bhujbal
Age-72, Occ: Agri.
3. Maina Tukaram Bhujbal
Age-76 yearw, Occu: Agri.
4. Bramhadeo Tukaram Bhujbal
Age-59 years, Occu: Agri.

All R/o. Fadtari, Tal-Malshiras
Dist. Solapur
(At present in Solapur Dist. Prison)

... Applicants

versus

The State of Maharashtra
(Through Natepute Police Station,
Dist. Solapur)

... Respondent

Mr Rajaram V Bansode, a/w. Ms Sheetal M Ubale, for the
applicants.

Mr Arfan Sait, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 19 March 2025.

P.C.:

The applicant faced trial in Regular Criminal Case No.245 of 2008 before the Judicial Magistrate First Class, Malshiras, Solapur, for offences punishable under 323, 325 and 504 read with 34 of the Indian Penal Code ('IPC'). By a judgment and order dated 23 October 2019, the applicants were acquitted of the offence punishable under Section 504 of the IPC and convicted for the offences punishable under Sections 323 and 325 of the IPC. They were sentenced to suffer: (i) rigorous imprisonment for six months for the offence punishable under Section 323 IPC, and (ii) rigorous imprisonment for one year and pay a fine of Rs.8,000/- (with default stipulations) for the offence punishable under Section 325 IPC. These sentences were directed to run concurrently.

2. Aggrieved thereby, the applicants preferred appeals bearing No.11 of 2019 and 12 of 2019 before the Sessions Court at Solapur. By a common judgment and order dated 28 February 2025, the Ad-hoc Sessions Judge, acquitted the applicants for the offence punishable under Sections 323 read with 34 of the IPC, and while confirming the conviction under Section 325 read with 34 of the IPC, reduced the sentence from

rigorous imprisonment of one year to simple imprisonment of six months.

3. Dissatisfied, the applicants approached this Court in revision and, by the present application, seek suspension of the sentence and release on bail.

4. Mr Rajaram Bansode, the learned Counsel appearing on behalf of the applicant argues that there are considerable shortcomings in the prosecution's evidence and claims that the testimonies of the prosecution witnesses lack credibility and fail to inspire confidence. He submits that the learned Magistrate and the learned Ad hoc Sessions Judge failed to appreciate that the applicants were falsely implicated by the complainant due to the ongoing civil litigation. The key allegations do not align with the medical evidence. The learned Counsel further submits that since the applicants were on bail throughout the trial and the appeal, they should receive the same treatment during the pendency of the revision. The applicants are willing to cooperate fully with the revision proceedings and abide by any conditions imposed by this Court.

5. Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, opposing the applicants request, refers to the seriousness of the charge on which the

applicants have been convicted and argues that the evidence on record strongly supports the prosecution's case and does not warrant the grant of bail.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. In *Bhagwan Rama Shinde Gosai v. State of Gujarat*, (1999) 4 SCC 421, the Hon'ble Supreme Court observed as follows:

“3. When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right,

meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.”

8. The maximum sentence period imposed upon the applicant is six months. The alleged incident occurred in August 2008. While this Court acknowledges the arguments presented by the learned APP regarding the seriousness of the offence and the current post-conviction stage of the proceedings, it is essential to recognise that the sentenced imposed is a short one. The revision has been filed in 2025 and is unlikely to be heard immediately due to the pendency of the older revision applications. Moreover, there are no circumstances or any statutory prohibition that warrant the refusal of the relief of suspension of the sentence to the applicants. In these circumstances, a case is made out for suspension of the sentence and release on bail. Hence, the following order:

ORDER

(i) The sentence imposed upon the applicants vide judgment and order 23 October 2019 passed by the the Judicial Magistrate First Class, Malshiras, Solapur, in Regular Criminal Case No.245 of 2008, and modified by the judgment and order

dated 28 February 2025 passed by the Ad-hoc Sessions Judge, Malshiras, Solapur, in Criminal Appeals No.11 of 2019 and 12 of 2019, stands 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.

9. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)