

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

**Interim Application No. 1312 of 2025
in
Criminal Revision Application No. 143 of 2025**

Satan Manandra Das
Age 33 years, Occ. Driver,
R/o. Air India Gate No.8,
Santacruz Zopadpatti, Mumbai.
Original R/o. Ramnagar No.2,
Post Ejarwadi Aasan, Lanka
Shankarsan, State Assam
At present in Sindhudurg Dist. Jail

... Applicant

versus

The State of Maharashtra through
Mangaon Police Station,
Tal. Mangaon, Dist. Raigad.

... Respondent

Mr Mohit Salvi, for the applicant.
Mr Yogesh Y Dabke, APP, for the respondent/ State.

**Coram: R.N. Laddha, J.
Date: 8 April 2025**

P.C.:

The applicant faced trial in Summary Criminal Case No.11 of 2015 before the Judicial Magistrate First Class, Mangaon, for the offences punishable under Sections 304(A) and 279 of the Indian Penal Code ('IPC') and Section 184 of the Motor Vehicles Act, 1988 ('MV Act'). By the judgment and

order dated 5 August 2016, the applicant was acquitted of the offence punishable under Section 184 of the MV Act and convicted for the offences punishable under Sections 304(A) and 279 of IPC and Section 177 of the MV Act. The applicant was sentenced as follows: (i) rigorous imprisonment of one year and a fine of Rs.5,000/- (with default stipulations) for the offence under Section 304A IPC, (ii) rigorous imprisonment of one month and a fine of Rs.1,000/- (with default stipulations) for the offence under Section 279 IPC, and (iii) fine of Rs.100/- for the offence under Section 177 of the MV Act. These sentences were directed to run concurrently.

2. Aggrieved thereby, the applicant preferred an appeal bearing No.32 of 2016 before the Sessions Court at Mangaon, Raigad, which was dismissed on 20 February 2025. Dissatisfied with the concurrent findings of conviction, the applicant filed a revision before this Court and, by the present application, seeks suspension of the sentence and release on bail.

3. Mr Mohit Salvi, the learned Counsel appearing on behalf of the applicant, emphasising on the alleged shortcomings in the prosecution's case, argues that the testimonies of the prosecution witnesses lack credibility and do not inspire confidence. The witnesses in deposition stated that the accused did not stop at the place of the incident and the villagers chased

him and apprehended him at Mangaon with the assistance of the police. However, no statement was recorded of any of the persons, including the police personnel, who chased and apprehended the accused. The panchanama of the offending vehicle was also not prepared. The applicant was not identified by any of the witnesses as the driver of the offending vehicle, and no Test Identification Parade was conducted. The applicant was 23 years old at the time of the incident and has no criminal antecedents. The learned Counsel submits that since the applicant was on bail throughout the trial and the appeal proceedings, he should receive the same treatment during the pendency of the revision proceedings. The applicant is ready to abide by any conditions set forth by this Court if released on bail.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request, refers to the seriousness of the charge on which the applicant has been convicted. The learned APP submits that the evidence on record strongly supports the prosecution's case and does not warrant the grant of bail.

5. This Court has considered the rival submissions canvassed across the Bar and perused the records.

6. It is a well-settled position in law that the 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 revisional Court must endeavour to adjudicate the 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 revisional Court recognises that practical circumstances may hinder the prompt resolution of the revision, it becomes essential for the Court to exercise heightened diligence in deliberating on sentence suspension. This ensures that the revision process remains viable, meaningful, and effective. Additionally, when granting bail, the 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 Vs State of Gujarat*¹.

7. Upon a perusal of the records, it appears that the sentence imposed upon the applicant is a short one. The incident in question occurred in 2014. The applicant was not identified by the prosecution witnesses and no Test Identification Parade was conducted. Further, the applicant was on bail during the trial and the appeal proceedings. Additionally, nothing is on record

¹ (1999) 4 SCC 421

to suggest that exceptional circumstances exist to justify the refusal of the relief prayed for. Considering the nature of the allegations and the evidence on record, 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 applicant vide the judgement and order dated 5 August 2016 passed by the Judicial Magistrate First Class, Mangaon, in SCC No.11 of 2015, and confirmed vide the judgment and order dated 20 February 2025 passed by the Sessions Court at Mangaon, Raigad, in Criminal Appeal No.32 of 2016, 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.)