

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

**Interim Application No.2907 of 2025**

**In**

**Criminal Revision Application No.322 of 2025**

Hanumant @ Gopal Ganesh Dhotre

Age:30 years,

Residing at: Ambedkar Nagar,

Near Subhash Mill,

Nyaymurti Chhagla Marg,

Vile Parle (E), Mumbai – 99

... Applicant  
(Org. Accused)

versus

The State of Maharashtra

(At the instance of Vile Parle

Police Station, Mumbai)

... Respondent

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Mr Pawan Mali, for the applicant.

Mr SV Walve, APP, for respondent/ State.

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**Coram: R.N. Laddha, J.**

**Date: 11 August 2025.**

**P.C.:**

The applicant/accused faced trial in Sessions Case No.525 of 2014 before the Assistant Sessions Judge, Sessions Court, Greater Bombay, for offences punishable under Sections 333 and 353 of the Indian Penal Code ('IPC'). The trial Court, vide a judgment and order dated 15 November 2016, convicted the

applicant under Section 333 of the IPC and sentenced him to suffer simple imprisonment for two years along with a direction to pay Rs.1000/- (with default stipulations). Aggrieved thereby, the applicant preferred an appeal bearing No.71 of 2017 before the Additional Sessions Judge, Mumbai, which was dismissed on 16 July 2025. Dissatisfied, the applicant approached this Court in its revisional jurisdiction and, by the present application, seeks suspension of the sentence and release on bail, pending the outcome of the revision.

2. I have heard Mr Pawan Mali, the learned Counsel appearing on behalf of the applicant, Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/State.

3. The learned Counsel for the applicant/accused submits that there exist material deficiencies in the prosecution's case and that the testimonies of the prosecution witnesses are unreliable and devoid of such probative value as would inspire judicial confidence. He further submits that the applicant has deposited the amount of fine imposed. The learned Counsel contends that the applicant has been in judicial custody since the date of pronouncement of judgment by the learned Sessions Court. The applicant was enlarged on bail throughout the course of trial as well as during the pendency of the appeal and

therefore, and deserve for similar relief during the pendency of the present revision application.

4. The learned Additional Public Prosecutor representing the respondent/State, opposes the applicant's request and contends that both the trial Court and the appellate Court have, upon a comprehensive appreciation of the evidence adduced, returned a concurrent findings of guilt against the applicant, holding the prosecution's case to be proved beyond reasonable doubt. The learned APP further contends that the evidence on record cogently supports the conviction and that no grounds exist for suspension of sentence or for enlarging the applicant on bail at this stage.

5. This Court has considered the rival submissions made across the bar and perused the record. It appears from the record that the alleged offence is stated to have occurred on 17 March 2014. Pursuant thereto, the learned trial Court, upon conclusion of the proceedings, convicted the applicant by its judgment dated 15 November 2016. The appeal preferred against the said judgment of conviction and sentence came to be dismissed by the Appellate Court on 16 July 2025.

6. It is a well-settled proposition of law that, in cases where the sentence imposed is of a fixed term, the revisional

jurisdiction of the Court may be exercised with a degree of leniency in favour of the applicant except in exceptional circumstances or where statutory considerations so warrant. In situations where the suspension of sentence is impermissible on account of legal constraints, the revisional Court bears a duty to decide the revision application on merits at the earliest, particularly when an express prayer for expeditious adjudication is made. Any undue delay in such adjudication, especially in the post-conviction stage, may risk undermining the statutory rights of the applicant owing to the efflux of time. Where practical or systematic factors impede the prompt disposal of the revision application, the Court is required to exercise heightened circumspection and diligence while considering an application for suspension of sentence, so as to ensure that the very purpose of the revision proceedings is not rendered nugatory. It is equally trite that, while granting bail in such circumstances, the revisional Court retains the discretion to impose such terms and conditions as may be deemed just and proper to safeguard the interest of justice. In this context a profitable reference may be made to the decision in *Bhagwan Rama Shinde Gosai v. State of Gujarat*, (1999) 4 SCC 421, which expounds upon the principles governing the suspension of sentence during the pendency of an appeal or revision.

7. In the present case, the maximum sentence awarded to the applicant is two years' simple imprisonment. This Court has duly considered the submissions of the learned APP and is conscious of the fact that the proceedings are at the post-conviction stage. It is, however, equally pertinent to note that the applicant has been in custody since a month and was on bail throughout the pendency of the trial and the appellate proceedings.

8. In light of the above circumstances, and keeping in view the unlikelihood of the present revision application being taken up for hearing in the immediate future due to the pendency of older matters, this Court deems it fit to suspend the applicant's sentence and direct his release on bail, subject to the appropriate conditions, during the pendency of the revision application. Accordingly, the following order is passed.

### **ORDER**

(i) The sentence imposed upon the applicant vide the judgment and order dated 15 November 2016 passed by the Adhoc District Judge and Assistant Sessions Judge, Mumbai in Sessions Case No.525 of 2014, and confirmed by the judgement and order dated 16 July 2025 passed by the learned Additional Sessions Judge, Mumbai, in Criminal Appeal No.71

of 2017, stands suspended during the pendency of the revision.

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

9. The interim application stands disposed of accordingly.

**[R.N. Laddha, J.]**