



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO.5 OF 2025
IN
CRIMINAL REVISION NO.4 OF 2025

Sunil Ashok Bhagwat and another

Vs.

State of Maharashtra, through Police Station Officer, Warora,
District Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Counsel for the applicant.
Ms. Ritu Sharma, APP for the respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/01/2025

1. By this Revision, the applicants have challenged the judgment of the learned Judicial Magistrate First Class, Warora convicting the applicants for the offence punishable under Sections 323 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 15 days and also sentenced to suffer rigorous imprisonment for one month for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code and further sentenced to suffer rigorous imprisonment for two months for the offence punishable under Section 506 read with Section 34 of the Indian Penal Code which is subsequently partly allowed by the learned Additional Sessions Judge, Warora in Criminal Appeal No.1/2022.

2. By filling application, the applicants are seeking suspension of sentence and releasing them on bail. Learned Counsel for the applicants submitted that one of the accused on the same set of facts is acquitted by the Sessions Court. The present applicants have every chance of success in the present revision, but it would take its own time for its final disposal. In the meantime, if the sentence is executed revision would become infructuous.

3. Learned APP strongly opposed the same and submitted that revision application itself is devoid of merits and therefore, liable to be dismissed.

4. Considering the submission made by the learned Counsel for the applicants, admittedly, the revision would take its own time for its final decision. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) Criminal application is allowed.

(ii) The sentence imposed by the learned Judicial Magistrate First Class, Warora as well as partly confirmed by the Additional Sessions Judge, Warora and execution of the same, is hereby suspended till disposal of the present revision application.

(iii) The applicant Nos.1 and 2 shall be released on bail on executing PR Bond of Rs.25,000/- each with one solvent surety in the like amount.

Criminal application is disposed of.

Criminal Revision Application No.4/2025

1. Heard.
2. **Admit.**
3. Learned APP waives notice for the State.
4. Call for record and proceeding.
5. Revision application be listed for the final disposal on receipt of the record and proceeding.

(URMILA JOSHI-PHALKE, J.)