



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.31 OF 2023

IN

CRIMINAL REVISION APPLICATION NO.26 OF 2023

(Datta Digambar Ingle Vs. The State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A. Sawal, Advocate h/f Mr. A.S. Tiwari, Advocate for the applicant.
Mr. M.J. Khan, APP for the State.
Mr. U.V. Chakravarty, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 13, 2025.

By this application, the applicant is seeking suspension of sentence and releasing him on bail.

2. Learned Counsel for the applicant submitted that the applicant is convicted of the offence punishable under Section 377 of the Indian Penal Code and sentenced to suffer rigorous imprisonment of 3 years and to pay fine of Rs.15,500/-. The fine amount is already deposited.

3. He submitted that the limited punishment is imposed. The revision would take its own time for its final disposal. In the meantime, if sentence is executed the revision would become infructuous. In view of that, the execution of the sentence be suspended till final disposal of the application and he be released on bail.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application on the ground that the application itself is devoid of merits, and therefore, prayer of suspension of sentence deserves to be rejected.

5. I have heard learned Counsel for the applicant. Perused the impugned judgment. Learned Counsel for the applicant pointed out that he has many arguable points in the revision. Moreover, the punishment imposed is of a limited period. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The execution of sentence passed in Criminal Appeal No.25/2011 and R.C.C. No.131/2009 is hereby suspended till disposal of the said revision petition.

(iii) The applicant - Datta Digambar Ingle shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

6. The application is disposed of.

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Heard.

2. R. & P. is already received.

3. The revision can be disposed of finally.

4. Place the matter on 13/02/2025 for the final disposal.

(URMILA JOSHI-PHALKE, J.)