



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

CRIMINAL APPLICATION (APPR) NO.97 OF 2025
IN
CRIMINAL REVISION NO.62 OF 2025

Subhash Waman Nikhade

Vs.

State of Maharashtra, through its Police Incharge, Police Station
Gondpipari, 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. A. M. Chandekar, Counsel for the applicant.
Ms. S. S. Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/04/2025

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

2. The applicant was prosecuted for the offence punishable under Sections 323, 354(A)(1), 354-B and 447 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and fine of Rs.500/- for the offence punishable under Section 323 of the Indian Penal Code and in default to suffer simple imprisonment for 15 days. He further convicted for the offence punishable under Section 354(A)(1) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and fine of Rs.1,000/- and in default to suffer simple imprisonment for one

month. He further convicted for the offence punishable under Section 354-B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and fine of Rs.1,000/-, in default to suffer simple imprisonment for three months and for the offence punishable under Section 447 and sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.500/-, in default to suffer simple imprisonment for 15 days, in RCC No.33/2015. Being aggrieved and dissatisfied with the same, the appeal is preferred by the applicant in which the punishment imposed is confirmed, and therefore, present revision application is filed.

3. Heard learned Counsel for the applicant who submitted that the applicant has many arguable points in the present appeal and he has pointed out from both the judgments, however, both the Courts have gone through the judgments and considered the same. The revision application takes its own time for its final disposal. In the meantime, if sentence is executed then revision application would become infructuous.

4. Learned APP strongly opposed for the same and submitted that revision application itself is devoid of its merits.

5. On hearing both sides and on perusal of the impugned judgments it reveals that the applicant

has many arguable points in the present appeal. Admittedly, the revision application would take its own time for its final disposal and if sentence is executed, the application would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence passed in Regular Criminal Case No.33/2015 confirmed in Criminal Appeal No.19/2019 is hereby suspended till disposal of the revision application.
- (iii) The applicant **Subhash Waman Nikhade** shall be released on bail on executing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

The application is disposed of.

Criminal Revision Application No.62/2025

- (i) Heard.
- (ii) **Admit.**
- (iii) Learned APP waives notice for the State.
- (iv) Call for record and proceedings.
- (v) Revision application be listed before the Court after receipt of the record and proceedings.

(URMILA JOSHI-PHALKE, J.)