



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

CRIMINAL APPLICATION NO.142 OF 2025
IN
CRIMINAL REVISION APPLICATION (ST.) NO.5269 OF 2025
(Tehalsingh s/o Gurumukhsingh Juni Vs. The State of Maharashtra)

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

Court's or Judge's Order

Mr. C.R. Thakur, Advocate h/f Mr. L.B. Khargade, Advocate for
the applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 9, 2025.

By this application, the applicant is seeking condonation of delay of 2042 days which is caused in preferring criminal revision application against the confirmation of the conviction passed by the Judicial Magistrate First Class, Bramhapuri and confirmed by the Additional Sessions Judge, Chandrapur. However, delay of 2042 days is caused in preferring this revision.

2. Learned Counsel for the applicant submitted that the applicant is a labour and he has to move from one place to another, and therefore, he could not approach to the Counsel after disposal of the matter. He was not aware about the decision of the appeal also before the Sessions Judge, and therefore, the delay is caused.

3. If delay is not condoned his statutory right

will be affected and in view of that, he prays for condonation of delay.

4. Learned APP strongly opposed the same and submitted that the delay application is without sufficient and satisfactory reasons, and therefore, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the recitals of the application, the applicant has assigned the reason that he is labour and moving from one place to another, and therefore, he could not approach to the Counsel. Hence, the delay is caused.

6. Considering the delay is of 2042 days and the reason assigned which appears to be just and reasonable the application deserves to be allowed subject to the costs of Rs.3000/-. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The delay of 2042 days is condoned subject to the costs of Rs.3000/-.

(iii) The costs be paid to the Government Pleaders Library, Nagpur.

7. The application stands disposed of.

CRIMINAL APPLICATION NO.162 OF 2025

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

2. Learned Counsel for the applicant submitted that the applicant was prosecuted of the offence punishable under Section 457 and 380 read with Section 34 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for two years for the offence punishable under Section 457 of IPC and to pay fine of Rs.2000/- in default to suffer Simple Imprisonment for one month. He is further convicted of the offence punishable under Section 380 read with Section 34 of the IPC and sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs.1000/- in default to suffer simple imprisonment for one month.

3. Being aggrieved and dissatisfied with the same, he has preferred the criminal appeal which also came to be dismissed.

4. Learned Counsel for the applicant submitted that he has many arguable points in the present revision but the revision application would take its own time for its final disposal. In the meantime, if sentence is executed then the revision would become infructuous.

5. Learned APP strongly opposed for the same and submitted that the revision itself is devoid of merits and liable to be rejected.

6. On hearing learned Counsel for both the sides and on perusal of both the impugned judgments from which the learned Counsel has pointed out that he has many arguable points. Moreover, the punishment imposed is of a limited period. In view of that, the execution of the sentence be suspended and the applicant be released on bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The execution of the sentence passed by the Judicial Magistrate First Class, Bramhapuri in R.C.C. No.145/2012 dated 21/08/2013 and confirmed by the Additional Sessions Judge, Chandrapur in Criminal Appeal No.110/2013 dated 21/08/2019 is hereby suspended till final disposal of the revision.

(iii) The applicant – Tehalsingh s/o Gurumukhsingh Juni be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one surety, in the like amount.

7. The application stands disposed of.

CRIMINAL REVISION APPLICATION (ST.) NO.5269 OF 2025

Heard.

2. **ADMIT.**
3. Issue notice to the non-applicant.
4. Learned APP waives notice for the State.
5. Call for R. & P.
6. Place the revision application before the Court after receipt of R. & P. for final disposal.

(URMILA JOSHI-PHALKE, J.)

**Divya*