



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

CRIMINAL APPLICATION NO.100 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.70 OF 2025
(Smt. Sushila w/o Shishupal Hajare Vs. 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. N.S. Padia, Advocate a/w Mr. B.H. Tekam, Advocate for the
applicant.
Mr. M.K. Pathan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 28, 2025.

By this revision, the applicant has challenged the order passed by the Additional Chief Judicial Magistrate, Nagpur dated 06/01/2016 which is confirmed by the Additional Sessions Judge-5, Nagpur dated 03/03/2025 by which the applicant is convicted of the offence punishable under Section 448 of the Indian Penal Code and sentenced her to suffer rigorous imprisonment for 3 months and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment for 15 days.

2. Learned Counsel for the applicant submitted that the learned trial Court as well as the learned Appellate Court has not considered and appreciated the evidence in proper perspective. The applicant has every chance of success in the present revision. Moreover, the punishment imposed is of a limited period.

3. Learned APP strongly opposed the application on the ground that the revision itself is devoid of merits and liable to be dismissed.

4. Considering that the applicant has made out an arguable points from the impugned judgement. Moreover, the punishment imposed is of a limited period. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The execution of the sentence passed in R.C.C. No.1193/2012 vide order dated 06/01/2016 by the Additional Chief Judicial Magistrate, Nagpur and confirmed by the Additional Sessions Judge-5, Nagpur dated 03/03/2025 in Criminal Appeal No.37/2016, is hereby suspended till final disposal of the revision application.

(iii) The applicant – Smt. Sushila w/o Shishupal Hajare be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

5. The application stands disposed of.

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Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the revision before the Court for final disposal after receipt of R. & P.

(URMILA JOSHI-PHALKE, J.)

**Divya*