



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4437 OF 2025
IN
CRIMINAL APPEAL NO. 892 OF 2025

Babasaheb @ Bhingrya Pandurang Jogdand	..APPLICANT
VERSUS	
State of Maharashtra	..RESPONDENT

....
Mrs. A.S. Deshmukh, A.P.P. for respondent - State
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CORAM : RAJNISH R. VYAS, J.
DATE : 20th JANUARY, 2026

PER COURT :

. The present applicant / accused was tried in Sessions Case No. 116 of 2022 by the Additional Sessions Judge, Beed and thereafter was convicted vide judgment and order dated 16th October, 2025 for commission of offence punishable under Section 353 of the Indian Penal Code, for which he was sentenced to suffer rigorous imprisonment for six months and directed to pay fine of Rs.5,000/-. He was further convicted for commission of offence punishable under Section 3 of Prevention of Damages to Public Property Act and sentenced to suffer rigorous imprisonment for six months and directed to pay fine of Rs.5,000/-. Default sentences were also imposed upon the applicant.

2. This Court, vide order dated 25th November, 2025, has admitted the appeal and has suspended the sentence till further dates. It is necessary

to mention here that the sentence imposed upon the appellant is of short term and according to the applicant, he did not misuse the liberty and cooperated for early completion of trial. After pronouncement of judgment, he surrendered to the custody of the trial Court and his sentence was suspended by the trial Court on 16th October, 2025.

3. Learned counsel for the applicant submitted that the applicant has deposited the fine amount on 16th October, 2025 itself. He further submitted that arguable points are involved.

4. Learned A.P.P. strongly opposed the application and contended that the evidence was properly taken into consideration by the trial Court.

5. I have gone through the record of the case, so also testimony advanced by the complainant / PW 1, which prima facie shows that the question is whether on the basis of testimony advanced, the conviction can be sustained or not. Thus, it is rightly submitted by learned counsel for the applicant that arguable points are involved.

6. Considering the fact that the sentence imposed upon the applicant is of short term and arguable points are involved, so also fine amount is deposited, present application is allowed on following terms and conditions :-

ORDER

(I) Criminal application is allowed.

- (II) The sentence imposed upon the applicant by the Additional Sessions Judge, Beed in Sessions Case No. 116 of 2022 vide judgment and order dated 16th October, 2025, thereby convicting him for commission of offence punishable under Section 353 of the Indian Penal Code and under Section 3 of Prevention of Damages to Public Property Act, stands suspended till final hearing of the appeal.
- (III) The applicant shall be released on same terms and conditions as were imposed by the trial Court.

(RAJNISH R. VYAS, J.)

SSD