



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 222 OF 2026
IN CRIMINAL REVISION APPLICATION NO. 18 OF 2026

Amol Mahadeo Diwate,
Age : 24 years, Occ : Driver,
R/o: Beed Sangavi, Taluka Ashti,
District Beed.

... Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra,
Though Tophkhana Police Station,
Ahmednagar.

.....
Advocate for the Applicant : Mr. R. S. Kasar
APP for the Respondent State : Mr. N. R. Dayma
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 16.01.2026

ORDER :

1. Not on board. Upon mentioning, taken on board.
2. This is an application for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class, (Court No. 6), Ahmednagar in S.C.C. No. 2653 of 2014 for commission of offence under Sections 279 and 338 of IPC and the same being confirmed by the learned Additional Sessions Judge, Ahmednagar in Criminal Appeal No. 41 of 2016.

3. Learned counsel for applicant would point out that applicant was arraigned and chargesheeted as accused for commission of offence under Sections 279, 338 of IPC and Sections 3(1) r/w 181, 134 (a)(b) r/w 177 of the Motor Vehicles Act. Applicant came to be tried by learned J.M.F.C. and also came to be convicted for offence under Sections 279 and 338 of IPC awarding sentence of one month's imprisonment and to pay fine for each of the offences respectively. That, appeal preferred against the same was also dismissed. Learned counsel further submitted that, exception has been taken to both the judgments of courts below by filing revision before this Court. However, during pendency of revision, it is urged to grant bail and suspend the sentence. It is pointed out that, applicant is barely in his early 20's. That, he has good case in revision and as during the course of both, trial as well as appel, he being on bail, relief of suspension of sentence and grant of bail is urged for during pendency of the revision.

4. Learned APP opposed on the ground that, on complete appreciation, guilt has been proved.

5. In the light of above, considering the age of the applicant, nature of charges proved and length of imprisonment awarded by trial court, relief as prayed deserves to be granted during pendency of the revision. Hence, following order :

ORDER

- I. Criminal Application No. 222 of 2026 is allowed.
- II. The sentence imposed on the applicant by the learned Judicial Magistrate First Class, (Court No. 6), Ahmednagar in Summary Criminal Case No. 2653 of 2014 on 03.02.2016 and confirmed by learned Additional Sessions Judge, Ahmednagar on 13.01.2026 in Criminal Appeal No. 41 of 2016, stands suspended till final hearing and disposal of Criminal Revision Application No. 18 of 2026.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- IV. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]