



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CRIMINAL APPLICATION NO. 237 OF 2026
IN CRIMINAL REVISION APPLICATION NO. 21 OF 2026

1. Sachin Zumbar Shitape,
Age : 42 years, Occ : Service,
R/o. Awanti Nagar, Latur,
Taluka and District Latur.
 2. Prakash Tatyrao Patil
Age : 61 years, Occ : Agri.,
R/o. Sirsal, Taluka and District Latur.
- ... Applicants
[Orig. Accused]

Versus

State of Maharashtra,
Through P. S. Killari,
Taluka and District Latur.

... Respondents

.....
Advocate for Applicants : Mr. Satish S. Manale
APP for Respondent-State : Mr. S. G. Sangle

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 27, JANUARY 2026

PER COURT :-

1. Learned counsel for the applicants points out that inadvertently the number of proceedings in the prayer clause is wrongly typed. He seeks leave to correct/amend the same. Leave to the extent of correction of number of proceedings in the prayer clause only is granted. Amendment be carried out forthwith.

2. This application is for suspension of sentence and grant of bail on account of conviction awarded by learned Chief Judicial Magistrate, Latur and the same being confirmed by learned first appellate court by judgment and order dated 06.12.2025.

3. It is submitted that the sentence awarded by the trial court is imprisonment for three (03) months and to pay fine of Rs.25,000/-. That, fine amount is deposited. Learned counsel makes a statement across the bar that, before both the forums, i.e. trial court as well as first appellate court, applicants was on bail and therefore, during pendency of instant revision, he urges for suspension of sentence and grant of bail.

4. Learned APP opposed on the ground that after full fledged trial as well as the appeal before the first appellate court, the conviction has been maintained.

5. After considering above submissions and on going through the papers, it appears that, vide R.C.C. No. 18/2011, present applicants came to be convicted for commission of offence under Section 409 r/w 34 of IPC and they were sentenced to suffer imprisonment for three months and to pay fine of Rs.25,000/-. On appeal, said order of

learned trial court seems to be confirmed by dismissing the appeal vide judgment and order dated 06.12.2025. Against this, revision has been filed and during pendency of revision, instant application for suspension of sentence and bail has been pressed into service.

6. Considering the fact that the applicants were on bail during the proceedings before the trial court as well as the first appellate court, and the fine amount is paid, and revision being of the year 2026, as much more time would be required to hear and decide the same, the application deserves to be allowed. Hence, the following order :

ORDER

I. Criminal Application No. 237 of 2026 is allowed.

II. The sentence imposed on the applicants by the learned Chief Judicial Magistrate, Latur in Regular Criminal Case No. 18 of 2011 on 09.12.2015 and confirmed by learned Additional Sessions Judge, Latur by judgment and order dated 06.12.2025 passed in Criminal Appeal No. 04 of 2016, stands suspended till final hearing and disposal of Criminal Revision Application No. 21 of 2026.

III. Both the applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

IV. Bail before the trial court.

V. Criminal Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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