



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 541 OF 2026**  
IN  
**CRIMINAL REVISION APPLICATION NO. 44 OF 2026**

Iqbal Khan Mobin Khan Pathan  
Age : 35 years, Occ : Labour,  
R/o. Idgah Nagar, Sillod,  
Taluka and District Chhatrapati Sambhajinagar. ... Applicant  
[Orig. Accused]

Versus

The State of Maharashtra  
Through Police Station, Sillod,  
Taluka and District Chhatrapati Sambhajinagar. ... Respondent

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Mr. Abid R. Shaikh, Advocate for the Applicant  
Mr. S. M. Ganachari, APP for the Respondent-State.

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**CORAM : ABHAY S. WAGHWASE, J.**

**DATED : 06.02.2026**

**ORDER :**

1. Not on board. Upon mentioning, taken on board.
2. Present application is for suspension of sentence awarded by learned JMFC in SCC No. 463 of 2012 by order dated 05.05.2026, and it being confirmed by learned Sessions Judge, Aurangabad by judgment and order dated 23.01.2026, and for grant of bail.

3. Learned counsel pointed out that, present applicant was tried vide SCC No. 463 of 2012 for commission of offence under Section 509 of IPC and he came to be convicted by learned trial court sentencing him to suffer two months' imprisonment and to pay fine. That, said order was challenged before the Court of Sessions Judge, but the same came to be dismissed and thereby order of conviction has been confirmed. He pointed out that, against the same, applicant has preferred revision before this Court recently. That, there are no prospects of hearing the revision in near future. He pointed out that, during the proceedings before both the courts below, applicant was on bail and he has already paid fine amount. Consequently, during pendency of revision, he urged to suspend the sentence and grant bail.

4. Learned APP opposed on the ground that, there are concurrent findings affirming the conviction and therefore, he prayed to refuse the relief.

5. On going through the papers, it is emerging that, applicant was tried by learned JMFC, Sillod vide SCC No. 463 of 2012 for commission of offence under Section 509 of IPC and vide judgment dated 05.05.2016, learned trial court held the charges proved and

convicted and sentenced applicant for two months' imprisonment and to pay fine. Attempt of questioning above judgment in appeal bearing Criminal Appeal No. 113 of 2016 seems to have gone futile as the appeal was dismissed by order dated 23.01.2026, against which revision seems to have been preferred before this Court and the same is pending.

6. Statement is made across the bar that applicant was on bail during proceedings before both the courts, i.e. learned trial court as well as learned first appellate court. There is no adverse remark of misuse of liberty. Fine amount is said to be paid, and as there are no immediate chances of hearing the revision, application deserves to be allowed. Hence the following order :

### **ORDER**

I. Criminal Application No. 541 of 2026 is allowed.

II. The sentence imposed on the applicant by the learned Chief Judicial Magistrate, Sillod in SCC No. 463 of 2012 on 05.05.2016 and confirmed by learned Sessions Judge, Aurangabad by judgment and order dated 23.01.2026 passed in Criminal Appeal No. 113 of 2016, stands suspended till final hearing and disposal of Criminal Revision Application No. 44 of 2026.

III. The applicant 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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