



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

**914 CRIMINAL APPLICATION NO. 673 OF 2026
IN CRIMINAL REVISION APPLICATION/62/2026
WITH
CRIMINAL REVISION APPLICATION NO. 62 OF 2026**

1. Khunmir Abdul Saifbangi,
Age : 36 years, Occu. Agri.,
 2. Jafar Abdul Saifbangi,
Age : 38 years, Occu. Agri.,
 3. Abdul Karim Abdulsaiif Bangi
Age : 47 years, Occu. Agri.,
All R/o. Murum, Taluka Omerga,
District Dharashiv.
- ... Applicants
[Orig. Accused Nos. 1 to 3]

Versus

The State of Maharashtra,
Through Murum Police Station,
Taluka Omerga, District Osmanabad.

... Respondent

Advocate for Applicant : Mr. Someshwar Sanjay Birajdar
APP for Respondent-State : Mr. S. M. Ganachari

CORAM : ABHAY S. WAGHWASE, J.

DATED : 17.02.2026

ORDER :

1. Heard.
2. Issue notice to the respondent-State. Learned APP waives notice for the respondent-State in the application for suspension of sentence as well as the criminal revision application.

3. Criminal Application No. 673 of 2026 is for suspension of sentence awarded by learned J.M.F.C., Omerga by judgment and order dated 15.03.2017 passed in R.C.C. No. 172 of 2013, which is confirmed by learned Additional Sessions Judge, Omerga by judgment and order dated 12.02.2026 passed in Criminal Appeal No. 7 of 2017, and for grant of bail.

4. Learned counsel pointed out that, present applicants were tried vide R.C.C. No. 172 of 2013 for commission of offence under Sections 354, 323, 504 r/w 34 of IPC and they came to be convicted by learned trial court sentencing them to suffer two years' imprisonment. That, said order was challenged before the Court of Additional Sessions Judge, Omerga but the same came to be dismissed and thereby order of conviction has been confirmed. He pointed out that, against the same, applicants have 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, applicants were on bail. He further pointed out that there was no fine imposed. Consequently, during pendency of revision, he urged to suspend the sentence and grant bail.

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

6. On going through the papers, it is emerging that, applicants were tried by learned JMFC, Omerga vide R.C.C. No. 172 of 2013 for commission of offence under Sections 354, 323, 504 r/w 34 of IPC and vide judgment dated 15.03.2017, learned trial court held the charges proved and convicted and sentenced applicant to suffer rigorous imprisonment for two years without fine. Attempt of questioning above judgment in appeal bearing Criminal Appeal No. 7 of 2017 seems to have gone futile as the appeal was dismissed by judgment and order dated 12.02.2026, against which revision seems to have been preferred before this Court and the same is pending.

7. Statement is made across the bar that applicants were on bail during proceedings before both the courts below, i.e. learned trial court as well as learned first appellate court. There is no adverse remark of misuse of liberty. Therefore, as there are no immediate chances of hearing the revision, application deserves to be allowed. Hence the following order :

ORDER

- I. Criminal Application No. 673 of 2026 is allowed.
- II. The sentence imposed on the applicants by learned J.M.F.C., Omerga, District Dharashiv vide judgment and order dated 15.03.2017 passed in R.C.C. No. 172 of 2013, which is confirmed by learned Additional Sessions Judge, Omerga, District Dharashiv by judgment and order dated 12.02.2026 passed in Criminal Appeal No. 7 of 2017, stands suspended till final hearing and disposal of Criminal Revision Application No. 62 of 2026.
- III. The applicants be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each, with one solvent surety by each in the like amount.
- IV. Bail before the trial court.
- V. Criminal Application No. 673 of 2026 is accordingly disposed off.
- VI. Criminal Revision Application to be listed as per its turn.

[ABHAY S. WAGHWASE, J.]