



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**903 CRIMINAL APPLICATION NO. 1251 OF 2026
IN REVN/126/2026**

SUDHIR RAMHARI MANE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

AND

CRIMINAL REVISION APPLICATION NO. 126 OF 2026

SUDHIR RAMHARI MANE

.....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. P. P. More, Advocate for the applicant

Mr. V. S. Badakh, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 16th APRIL, 2026

PER COURT :

1. The Applicant has moved the Application for suspension of substantive sentence awarded by the Learned Judicial Magistrate, First Class, Kallam vide the judgment and order dated 07-12-2023 passed in RCC No. 84/2021 for commission of offences punishable under Section 326 of the Indian Penal Code and confirmed the same by the learned Additional Sessions Judge, Kallam in Criminal Appeal

No. 01/2024 by order dated 01-04-2026 and also prayed for release the Applicant on bail.

2. Learned Advocate for the applicant submitted that during the pendency of the trial and appeal, the applicant was on bail. After the judgment and order dated 01-04-2026 passed by the learned Additional Sessions Judge, the applicant has surrendered to the court and has been in jail since then. He submitted that no offence under Section 326 is made out. However, the learned Trial court as well as the Appellate court have erred in assessing the nature of the injuries sustained by the victim in proper perspective. Similarly, he argued that the applicant had no intention of committing a crime or causing injury to the victim. But all of a sudden, the incident occurred. The nature of the injuries is not grievous, and stone cannot be termed as a weapon. Therefore, he urged the suspension of the substantive sentence and the release of the applicant on bail.

3. The learned APP opposed the application on the ground that the learned Trial court, as well as the Appellate court, held that the Applicant had committed a crime and caused grievous injuries to the victim. Therefore, the Applicant is not entitled to the relief sought. Hence, urged for the rejection of the application

4. I have considered the rival contention of the parties and gone through the record and, more particularly, the evidence of the Medical Officer.

5. The Medical Officer [PW-5]-Purushottam, who in his chief examination deposed as under:

“I found the following injuries:

a] Contusion with laceration over right forehead above the eyebrow. 2 cm x 2cm x 1 cm injury was oblique in shape and margins are contused. Age of injury was within 06 hours. The injury was caused by a hard and blunt object. The nature of the injury was grievous.

b] Contusion with abrasion over the mid chest of size 3 cm x diameter in oval shape. Age of injury was within 06 hours. Type of weapon was hard and blunt. Nature was injury simple.”

6. Bare perusal of the injuries reveals that two contusion injuries with laceration and abrasion were sustained by the injured on his forehead and mid chest. Nowhere is it mentioned that due to the assault, the injured had sustained permanent disfiguration of the head. Thus, prima facie, I find substance in the contention of the learned Advocate for the Applicant that no ingredients of Section 326 of the IPC are made out.

7. Apart from this, the applicant has preferred the Revision Application challenging the judgments and orders passed by both the courts below, and it will take its own time to finally decide.

8. Thus, having considered the above discussion and gone through the judgments impugned, in my opinion, it would be appropriate to suspend the sentence awarded by the learned Trial court and confirmed by the Appellate court and release the Applicant on bail. Hence, the following order is passed:

ORDER

- a] The application is allowed.
 - b] Sentence imposed by the judgment and order dated 07-12-2023 passed by the Learned Judicial Magistrate, First Class, Kallam in RCC No. 84/2021 for commission of offences punishable under Section 326 of the Indian Penal Code and confirmed the same by the learned Additional Sessions Judge, Kallam in Criminal Appeal No. 01/2024 vide order dated 01-04-2026 is hereby suspended till the decision on the Revision Application.
 - c] The applicant is to be released on furnishing PB and SB of Rs. 50,000/- [Rupees Fifty Thousand Only].
 - d] Bail before the Trial court.
 - e] List the revision application on **04-05-2026**.
- Call R & P**
- f] The application is disposed of.

[ABHAY J. MANTRI, J.]