

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 67 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 6 OF 2026

Sanjay Vyankat Pawar
VERSUS
The State of Maharashtra

...

Mr. Manish Devkar (Through V.C.) a/w Mr. Ruturaj Kadam, for
Applicant.

Mr. Anand Subhash Shalgaonkar, APP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 13th MARCH, 2026.

P. C. :

1. Heard the learned counsel for the applicant and the learned
APP for the Respondent-State.
2. By this application, the applicant is seeking suspension of
sentence imposed upon him by the learned Judicial Magistrate First
Class, Khandala, in S.C.C. No.106 of 2017 dated 30.01.2019, and
confirmed by the learned Additional Sessions Judge, Wai in
Criminal Appeal No.76 of 2023 dated 07.01.2026.
3. The Applicant has been convicted for the offences punishable

under Sections 304A of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2,000/-. In default of payment of fine, accused undergo simple imprisonment for three months and also convicted under Section 279 of the IPC and sentenced to suffer rigorous imprisonment for Six months and to pay fine of Rs.1,000/-. In default of payment of fine, accused undergo simple imprisonment for 15 days.

4. Learned counsel for the applicant submits that the fine amount is paid. The applicant is in custody since 07.01.2026. If the applicant released on bail, he will not misuse the liberty. Hence, prayed to allow the application.

5. It is contention of learned APP that the prosecution has proved the case beyond reasonable doubt. The Trial Court has rendered a well reasoned order and the same is endorsed by the Appellate Court. As such, no interference is warranted. Hence, prayed to reject the application.

6. On the question of suspension of sentence, the legal position stands well established. This Court in *Sanjay Devender Singh v. Union of India*¹ has considered the issue. It has acknowledged that

¹ CRIMINAL APPLICATION NO.607 of 2019 in Cri. Appeal No. 1297 of 2018

the High Court, no doubt, has the power to suspend sentence pursuant to Section 389, read with Section 482 of Code of Criminal Procedure, 1973 ('Cr.PC.'). Thus, the power is as much statutory as it is inherent.

7. In the instant case, learned counsel for the applicant has advanced various submissions, touching the merits of the case and alleged infirmities in the order under challenge. Those submissions at this stage have been noted.

8. However, this Court is of the view that a detailed examination of those aspects would necessarily require appreciation of the entire evidence on record which would be more appropriately taken at the stage of final hearing. Therefore, without expressing any opinion on the merits of the case and keeping all issues open for consideration at the time of final disposal of Revision, I am inclined to exercise power under Section 389(1) of the Cr.PC.

9. In view of the aforesaid aspects and considering that the sentence imposed upon the applicant is a short term sentence, I pass following order:

ORDER

I. The interim application is allowed.

- II. The substantive sentence of imprisonment imposed upon the applicant by the learned Judicial Magistrate First Class, Khandala, in S.C.C. No.106 of 2017 dated 30.01.2019, and confirmed by the learned Additional Sessions Judge, Wai in Criminal Appeal No.76 of 2023 dated 07.01.2026, is hereby suspended.
- III. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) and one solvent surety in the like amount.
- IV. Applicant shall mark his presence before the learned learned Judicial Magistrate First Class, Khandala once in three months on the date assigned by the concerned Court.

[SACHIN S. DESHMUKH, J.]