

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1670 OF 2014
WITH
CRIMINAL APPEAL NO. 1007 OF 2014

Uttam Arjun Demse	...	Applicant
vs.		(Orig. Accd.No.1)
The State of Maharashtra	...	Respondents

Mr. Jayesh A. Vithlani, Advocate for the applicant
Mr. Arfan Sait, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 24th December, 2014.

P.C.

This is an application under Section 389 of the Code of Criminal Procedure, 1973. The applicant herein is convicted for the offence punishable under Section 498A of the Indian Penal Code and is sentenced to suffer R.I. for two years and fine of Rs.3,000/- in default to suffer R.I. for six months in Sessions Case No.121 of 2012 by the Addl. Sessions Judge, Nashik vide judgment and order dated 28.11.2014.

2. The learned Counsel for the applicant submits that the applicant has deposited the amount of fine. The substantive sentence of the applicant has been suspended by the Sessions Court to enable the applicant to approach the High Court for filing an appeal. That the applicant was on bail during the pendency of

the trial and has not committed any breach of conditions imposed upon him. The learned Counsel submits that the applicant has been sentenced to short-term sentence and therefore deserves extension of the bail during the pendency of the appeal.

3. Taking into consideration the fact that the applicant has been sentenced to a short-term sentence and the sentence has been suspended after conviction, this Court is inclined to grant relief under Section 389 of Cr.P.C.

ORDER

(i) The application is allowed. The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on same bail, fresh bonds.

(ii) The applicant shall furnish fresh bond within a period of four weeks from the date of this order, failing which the order granting bail stands cancelled.

(iii) The applicant shall report to the concerned Sessions Court once in six months on the date specified by the concerned Sessions Court. Upon failure to attend on two consecutive dates, the concerned Sessions Court shall inform the High Court forthwith and take appropriate action.

Application is disposed of on the above terms.

(SMT.SADHANA S.JADHAV, J.)