

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No.1654 Of 2015.

In
Criminal Appeal No. 318 Of 2015.

**MADHUKAR S/O UTTAMRAO BONGANE
VERSUS
THE STATE Of MAHARASHTRA.**

Appearance =>

Mr. S.S. Thombre, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 6th April, 2015.

Per Court :-

This is an application for suspension of substantive jail sentence imposed upon the applicant-accused by the learned Special Judge (P.C.Act), Aurangabad, dated 19th March, 2015 in Spl (ACB) Case No.3/2006; where-by the applicant was held guilty for the offences punishable under Section 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

[2] The applicant-accused was sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs.5000/- (Rs.Five Thousand.) and in default of payment of fine amount, he was directed to suffer Rigorous Imprisonment for three months for the

offence punishable under Section 7 of the Prevention of Corruption Act, 1988. The applicant was also convicted and sentenced to suffer Rigorous Imprisonment for three years and to pay fine of Rs. 5000 (Rs.Five Thousand) and in default of payment of fine amount, he was directed to suffer Rigorous Imprisonment for three months for the offence punishable under Section 13(2) read with Section 13(12)(d) of the Prevention of Corruption Act, 1988.

[3] During the trial, the applicant was on bail and at no point of time, he has misused the liberty granted to him.

[4] Looking to the limited duration of conviction and looking to the fact that this court is taking the Criminal Appeal of year 2000 and onwards, in near future, final hearing of present Criminal Appeal is not likely to be taken place. This court is of view of that, substantive jail sentence imposed upon the present applicant, can be suspended during pendency of present Criminal Appeal. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Substantive jail sentence as imposed upon the applicant by the learned Special Judge (P.C. Act), Aurangabad, dated 19th March, 2015 in Spl (ACB) Case No. 3/2006 for the offences punishable under Section 7 and 13(2) read with Section 13(1)(d) of the Prevention of

Corruption Act, 1988 is hereby suspended during pendency of present Criminal Appeal.

(iii) Applicant - MADHUKAR S/O UTTAMRAO BONGANE shall be released on bail on he executing fresh PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, before the Special Judge (P.C. Act), Aurangabad.

(iv) The applicant-appellant shall remain present before this court, at the time of final hearing of present Criminal Appeal.

(v) With this, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)