

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5383 OF 2015 IN
CRIMINAL APPEAL NO. 757 OF 2015

Udhav S/o Tulsiram Jadhav
Age : 74 years, Occu.: Agril.,
R/o Kherda, Tq. Kalamb,
Dist. Osmanabad

.. Applicant
(Orig. Accused)

Vs.

1] The State of Maharashtra

2] Police Inspector,
Kalamb Rural Police Station,
Kalamb, Tq. Kalamb,
Dist. Osmanabad

.. Respondents

Mr. G.V. Mohekar, Advocate for the applicant
Mr. V.S. Badakh, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 20/10/2015

ORAL ORDER :

Heard both sides.

2. The applicant/appellant, who has been convicted by the learned Additional Sessions Judge-3, Osmanabad vide judgment and order dated 29/09/2015 passed in Special Case (NDPS) No. 02 of 2012, for the offences punishable under section 18(b), 46 r/w. 32 of Narcotic Drugs and Psychotropic Substances Act and sentenced to

suffer rigorous imprisonment for 10 years and to pay fine of Rs.1,00,000/-, in default to suffer rigorous imprisonment for 2 years for the offence punishable under section 18(b) of the Narcotic Drugs and Psychotropic Substances Act and to suffer rigorous imprisonment for 2 months and to pay fine of Rs.500/-, in default to suffer simple imprisonment for 15 days for the offences punishable under section 46 r/w. 32 of Narcotic Drugs and Psychotropic Substances Act, is praying for suspension of the substantive sentences during the pendency of the appeal and his release on bail.

3. The present applicant relies on the reasoning forwarded by this Court vide order dated 29/06/2015 passed in Criminal Application no. 2446 of 2015 in Criminal Appeal No. 406 of 2015. He submits that the applicant was behind the bar for a period of 4 months during the trial and he is a poor agriculturist.

4. Considering all the facts on record, the substantive sentences awarded to the present applicant are hereby suspended.

5. Upon deposit of the fine amount, if not deposited earlier, the applicant be released on bail, upon his execution of P.R. bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

6. The Application is accordingly disposed of.

7. Hamdast granted.

[M.T. JOSHI]
JUDGE

arp/