

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 20 OF 2015

IN

CRIMINAL REVISION APPLICATION NO. 2 OF 2015

SHRI. DINKAR SAKHARAM DALVI.

... Applicant

Versus

STATE THROUGH PUBLIC PROSECUTOR
AND ANR.,

... Respondents

Mr. Rohan Pandurang Desai, Advocate for the applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the respondents.

Coram:- U. V. BAKRE, J.

Date:- 28th January, 2015

P.C.:

Heard Mr. Desai, learned Counsel for the applicant and Mr. Amonkar, learned Additional Public Prosecutor for the respondents.

2. By this application, the applicant had prayed for stay of operation of the Judgment and order in Criminal Appeal No. 120/2012 as also stay of the Judgment of the learned J.M.F.C., Ponda in Criminal Case NO. 43/S/2007/A and for release on bail.

3. By judgment and order dated 29/08/2012 and 12/09/2012, the learned J.M.F.C. has convicted the applicant for offences under sections 279, 304(A) of I.P.C. and Section 134(a) and 134(b) of M.V. Act. For section 279 of I.P.C., he has been sentenced to pay fine of

Rs. 1,000/-, in default of payment of fine to undergo simple imprisonment for a period of 10 days; for the offence under Section 304A of I.P.C., he has been sentenced to undergo rigorous imprisonment for a period of 4 months and to pay fine of Rs.5,000/-, in default of payment of fine to undergo simple imprisonment for a period of 15 days. In respect of the offence under section 134(a) of M.V. Act, he has been sentenced to pay fine of Rs. 100/-, in default of payment of fine to undergo simple imprisonment for a period of 1 day and lastly, in respect of the offence under Section 134(b) of M.V. Act he has been sentenced to pay a fine of Rs. 100, in default of payment of fine to undergo simple imprisonment for a period of 1 day.

4. Mr. Desai, learned Counsel for the applicant submits that the applicant was on bail through out the trial in the said Criminal Case. It is stated that during the pendency of the Criminal Appeal also the applicant was through out on bail. Mr. Desai submits that the entire fine amount is deposited before the learned J.M.F.C.

5. Considering the nature of the offence and that the applicant was on bail through out the trial before the learned J.M.F.C. as also during the hearing of the appeal, the application is granted. The impugned Judgment and sentence is suspended until the final hearing of the revision application. The applicant shall be released on bail on execution of personal bond in the sum of Rs. 15,000/- (Rupees

Fifteen Thousand only) with one solvent surety in the like amount.

6. Bail bond to be executed before the learned J.M.F.C., Ponda.

7. Application stands disposed of.

8. Parties to act on duly authenticated copy of the order.

U. V. BAKRE, J.

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