

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 32 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 13 OF 2015

SHRI. PRADEEP N. SHETGAONKAR. ... Applicant
Versus
STATE OF GOA THROUGH PERNEM POLICE ... Respondent
STATION.

Mr. Prasheen Lotlikar, Advocate for the applicant.

Mr. S. R. Rivankar, Public Prosecutor for the respondent.

Coram:- U. V. BAKRE, J.

Date:- 6th February, 2015

P.C.

Heard Mr. Lotlikar, learned Counsel for the applicant and Mr. Rivankar, learned Public Prosecutor for the respondent.

2. By this application, the applicant has prayed for suspending the sentence imposed upon him by the Judicial Magistrate, First Class, Pernem (J.M.F.C.) in Criminal Case No. 58/S/2009 vide judgment and order dated 01/10/2012 and confirmed by the learned Additional Sessions Judge, Mapusa by judgment and order dated 29/01/2015 in Criminal Case No. 146/2012.

3. The applicant has been convicted of the offences punishable under Sections 279, 338 and 304A of Indian Penal Code (I.P.C.) and

Sections 134(a) and (b) of Motor Vehicles Act (M. V. Act). He has been sentenced to undergo Simple Imprisonment for two months for offence under Section 279 of I.P.C.; to undergo Simple Imprisonment for one month for offence under Section 338 of I.P.C. and to undergo Simple Imprisonment for 3 months for offence under Section 304A of I.P.C and lastly, to undergo Simple Imprisonment for a period of 10 days and to pay fine of Rs.500/- for offence under Sections 134(a) and (b) of M. V. Act. There is no dispute that the applicant was on bail during the pendency of the said Criminal Case No. 58/S/2009. He was also on bail during the pendency of the Criminal Appeal No. 146/2012.

4. Considering the nature of the offences and the fact that the applicant was already on bail, I am of the view that the application deserves to be allowed.

5. The application, therefore, is allowed.

(a) During the pendency of the final disposal of Criminal Revision Application No. 13/2015, the impugned judgments and orders and sentence imposed by the Lower Courts are suspended and the applicant shall be released on bail upon execution of Personal Bond in the sum of Rs.25,000/- with one solvent surety in the like amount under condition that the applicant shall attend the hearing of the Criminal Revision Application before this Court. Bond shall be executed before the learned J.M.F.C., Pernem.

6. The application stands disposed of.

Parties to act on the authenticated copy of the order.

U. V. BAKRE, J.

SMA