

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 255 OF 2015

IN

CRIMINAL APPEAL NO. 61 OF 2015

SHRI. RAJESH NAIK.

... Applicant

Versus

STATE, THROUGH POLICE INSPECTOR,
C.I.D/C.B DONA PAULA.

... Respondent

Mrs. Anarkali Agni, Senior Advocate with Ms. Kalpa Govekar,
Advocate for the Applicant/Appellant.

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

Coram:- C. V. BHADANG, J.

Date:- 21st November, 2015

P.C:

Heard Mrs. Agni, the learned Senior Counsel for the applicant/appellant and Mr. Rivankar, the learned Public Prosecutor for the respondent-State.

2. The applicant has been convicted for the offences punishable under Sections 409 and 420 of I.P.C. and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act.

Under Section 409 of I.P.C., the applicant has been sentenced to suffer imprisonment for a period of two years and to pay fine of Rs.50,000/- and in default to undergo simple imprisonment for three months.

Under Section 420 of I.P.C., the applicant has been sentenced to suffer imprisonment for one year and to pay fine of Rs.10,000/- and

in default to undergo simple imprisonment for one month and lastly, under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, the applicant has been sentenced to suffer imprisonment for one year and to pay fine of Rs.50,000/- and in default to suffer imprisonment for three months.

3. The learned Senior Counsel for the applicant submits that the applicant would deposit the amount of fine awarded, within a period of one week before the learned Special Judge. It is submitted that the applicant was all along on bail during the trial. It is submitted that the learned Special Judge has suspended the sentence for a period, which would expire on 29.11.2015.

4. Mr. Rivankar, Public Prosecutor for the respondent submits that having regard to the sentence awarded and the fact that the applicant was on bail during the trial, this Court may pass appropriate order in the matter.

5. On hearing the learned Counsel for the parties and having regard to the fact that the applicant was on bail during the trial, the following order is passed:

(a) The substantive sentence of imprisonment (excluding fine) is hereby suspended, during the pendency of the appeal, on the condition of the applicant furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The applicant shall deposit the amount of fine as awarded within a period of one week before the learned Special Judge.

(c) Bail before the learned Special Judge.

6. The application is disposed of.

C. V. BHADANG, J.

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