

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 83 OF 2015
IN
CRIMINAL APPEAL NO. 729 OF 2014

1	Rajnath Jagdambaprasad Sharma.	
2	Jankdulari Rajnath Sharma.	... Applicants.
	Versus	
	The State of Maharashtra & anr.	... Respondents.

Mr. Rishi Bhuta, advocate for Applicants.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 22, 2015

P.C.:

1 Heard the learned Counsel for the applicants and Learned APP
for State. Perused the papers.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicants herein are convicted for offence punishable under Section
498A read with Section 34 of the Indian Penal Code and are

sentenced to suffer R.I. for one year and to pay fine of Rs. 5000/- i.d. to suffer further R.I. for 3 months in Sessions Case No. 52 of 2013 by the Additional Sessions Judge, Greater Bombay vide Judgments and Order dated 29/4/2014.

3 There was considerable delay in filing the appeal. Delay was condoned. The applicants are present before this Court. Learned Counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any condition imposed upon them. Hence, they are entitled to extension of the same relief during the pendency of the appeal. It is further submitted that son of the present applicants i.e. husband of deceased has been convicted for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for 5 years. He is in custody since he has not preferred any appeal till today.

4 Taking into consideration the fact that the sentence imposed upon the applicant is short term sentence and that appeal cannot be heard in near future, this Court is inclined to enlarge the applicant on bail.

5 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicants is suspended. The applicants be enlarged on bail. Same bail fresh bond.

(iii) The applicants shall furnish their fresh bond within a period of 4 weeks from the date of this order, failing which the order granting bail stands cancelled.

(iv) The applicants shall report to the concerned Additional Sessions Judge, Greater Bombay once in six months on the date specified by

the concerned Court. Upon failure to attend on two consecutive dates, the concerned Court shall inform the High Court forthwith and take appropriate action.

6 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)