

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 398 OF 2015  
IN  
CRIMINAL REVISION APPLICATION NO. 458 OF 2015

Arun Narayan Dhapse. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Amey Deshpande, advocate for Applicant.

Mr. Arfan Sait, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : OCTOBER 15, 2015**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned  
APP for State.

2 This is an application seeking suspension of substantive  
sentence. The applicant herein is convicted by Judicial Magistrate  
First Class Court No. 2, Nashik in R.C.C. No. 170 of 1998 for offence  
punishable under Section 420, 468, 471 of the Indian Penal Code and

is sentenced to undergo R.I. for 2 years vide Judgment and Order dated 24/12/2008.

3 Being aggrieved by the said Judgment and Order the applicant herein filed Criminal Appeal No. 14 of 2009 before the Sessions Court at Nashik. The learned Sessions Judge vide Judgment and order dated 8/9/2015 has been pleased to dismiss the appeal. The operative order of the learned Sessions Judge indicates that the applicant was present in the court at the time of delivering the Judgment and he was taken into custody and remanded to jail to serve the sentence.

4 The learned Counsel for the applicant submits that the applicant has a good case on merits, as the prosecution has failed to establish the guilt of the accused. It is further submitted that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not committed breach of any

condition imposed upon him. Hence, the applicant prays for suspension of sentence.

5 The fine amount is deposited. The sentence imposed upon him is a short term sentence and this Court would not be able to take up the matter for final hearing and therefore, the applicant deserves grant of bail.

6 Hence, following order is passed:

**ORDER**

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant by the Judicial Magistrate First Class, Nashik vide Judgment and Order dated 24/12/2008 in R.C.C No. 170 of 1998 and confirmed by the Appellate Court vide Judgment and Order dated 8/9/2015 in Criminal Appeal No. 14 of 2009 is hereby suspended.

(iii) The applicant be enlarged on bail. Same bail, fresh bond.

(iv) The applicant shall attend the Court of the Judicial Magistrate First Class, Nashik once in six months on the date scheduled by that Court.

(v) In case of failure to attend the said Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(vi) Parties to act on an authenticated copy of this order.

7 Application stands disposed of.

**(SMT. SADHANA S. JADHAV,J)**