

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1259 OF 2015

IN

CRIMINAL APPEAL NO.875 OF 2014

SURESH RAMESH GUJAR @ SURYA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Prashant Gurav, Advocate for the Applicant.

Smt.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 19th OCTOBER 2015.

P.C. :

1 Heard.

The applicant, who was accused no.9 in Sessions Case No.718 of 2011, was convicted by a judgment and order dated 31st July 2014, delivered by the Additional Session Judge, of the offences punishable under Section 324 of the

IPC and Section 452 of the IPC, and was sentenced to suffer Rigorous Imprisonment for 6 months with respect to the offence punishable under Section 452 of the IPC, and to suffer Rigorous Imprisonment for One year with respect to the offence punishable under Section 324 of the IPC. The sentences were directed to run concurrently.

2 On an application made by the applicant, this court suspended the substantive sentences imposed upon the applicant and released him on bail (Criminal Application No.1416 of 2014, decided on 20th November 2014) (Coram : A.R.Joshi, J.). It appears that, by that time, the applicant had undergone the sentence of imprisonment for about 7 months.

3 It appears that, the applicant was actually not released from prison, as he was in custody in some other case. Now, by the present application, the applicant prays that even the period of suspension of the substantive sentences be counted, and it be declared that he has undergone the entire punishment of one year.

4 This cannot be done. The period, during which the sentences imposed upon the applicant, remained suspended, cannot be taken as the period during which the applicant has suffered the sentence. The application is misconceived.

5 The learned counsel for the applicant, submits that, in that case the suspension of the sentences imposed upon the applicant be revoked.

6 In the circumstances, I am inclined to do so.

7 The application is rejected.

8 However, the suspension of the sentences imposed upon the applicant, is revoked with effect from today.

9 The application is disposed of in the aforesaid terms.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment /Order.**