

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1574 OF 2014

IN

CRIMINAL APPEAL NO.871 OF 2014

SHYAMJIBIHARI GOVINDBHAI PATEL)
@ SATUBA J. ZALA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

WITH
CRIMINAL APPEAL NO.537 OF 2014
WITH
CRIMINAL APPEAL NO.547 OF 2014
WITH
CRIMINAL APPEAL NO.584 OF 2014
WITH
CRIMINAL APPEAL NO.588 OF 2014
WITH
CRIMINAL APPEAL NO.606 OF 2014
WITH
CRIMINAL APPEAL NO.607 OF 2014

Mr.S.V.Marwadi, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for Respondent No.1 – State.

Mr.H.S.Venegaokar, Advocate for Respondent No.2 -CBI.

CORAM : ABHAY M. THIPSAY, J.

DATE : 2nd MARCH 2015.

P.C. :

1 Partly heard.

2 Mr.H.S.Venegaokar, the learned counsel for respondent no.2 submits that going by the facts of the case and the evidence adduced during the trial, it cannot be said that an amount of Rs.40 Lac and more had been earned by the applicant by committing the offence in question. The learned counsel submits that the investigation had revealed that an amount of Rs.24 Lac had been credited into the bogus account opened by the applicant.

3 After hearing Mr.S.V.Marwadi, the learned counsel for the applicant, and Mr.H.S.Venegaokar, the learned counsel for respondent no.2, it does appear to me that the amount of fine imposed by the learned trial Judge is somewhat excessive, but only that ground, by itself, would not be sufficient to justify the suspension of the substantive sentence imposed upon the applicant.

4 In the peculiar facts and circumstances of the case, it would be proper, in my opinion, to hear the appeal expeditiously.

5 In the circumstances, it is directed that the appeal along with the connected appeals be listed for 'Final Hearing' in the week commencing from 6th April 2015.

6 The Paper Book be expedited.

7 The application for suspension of sentence is allowed to be withdrawn with liberty to the applicant to renew the prayer in the event of the appeal not being heard and decided by 2nd week of June 2015.

8 The application is disposed of.

(ABHAY M. THIPSAY, J.)