

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 491 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 597 OF 2015

Sunil Jayaram Parab	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Shashi D. Pandey, Advocate for the applicant.
Mr. Ajay Patil, APP, for the State.

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

P.C.

This is an application seeking suspension of substantive sentence imposed upon the applicant by the Court of Addl. Sessions Judge, City Civil Court, Greater Bombay vide judgment and order dated 11.6.2015.

2. The applicant herein was convicted for offences punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code by the learned Metropolitan Magistrate, 52nd Court, Kurla, Mumbai in C.C. No.1991/PW/2005 vide judgment and order dated 23.11.2011 and was sentenced to suffer R.I. for two years and to pay fine of Rs.5,000/- in default to undergo S.I. for 15 days.

3. Being aggrieved by the said judgment and order, the applicant

herein had filed Criminal Appeal No.729 of 2011 before the Sessions Court , Greater Bombay. The learned Addl. Sessions Judge, City Civil Court, Greater Bombay, vide judgment and order dated 11.6.2015, has acquitted the applicant of the offence punishable under Section 406 read with Section 34 of IPC. However, the applicant is convicted for the offences punishable under Section 420 read with Section 34 of IPC and the substantive sentence has been maintained.

4. The learned counsel for the applicant submits 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 conditions imposed upon him. The learned counsel further submits that the Revision Application has been admitted. That the applicant has a good case on merits. In view of this, the applicant seeks suspension of substantive sentence.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall report to the Sessions Court, City Civil Court, Greater Bombay, once in six months on the date specified by the Sessions Court.

- (iv) Upon failure to report on any two consecutive dates, the prosecution will be at liberty to seek cancellation of bail.
- (v) At the time of furnishing the bail bonds, the applicant shall furnish the permanent address, cellphone number and other details.
- (vi) The applicant shall also furnish the permanent address and cellphone numbers of the surety.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)