

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1549 OF 2015
IN
CRIMINAL APPEAL NO. 1148 OF 2015

Ramnath Maruti Patil	...	Applicant
vs.		(Orig. Accused)
The State of Maharashtra	...	Respondent

Mr. Manas N. Gawankar, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 21st December, 2015.

P.C.

This is an application under Section 389 of Cr.P.C. The applicant is seeking suspension of substantive sentence imposed upon him by the IInd Addl. Sessions Judge, Thane in Sessions Case No.87 of 2013 vide judgment and order dated 28.10.2015 for the offence punishable under Section 304-II of the Indian Penal Code.

2. The Appeal is admitted. The applicant is sentenced to R.I. for five years and fine of Rs.1,000/- in default R.I. for two months. The sentence imposed upon the applicant is a short-term sentence. Moreover, the applicant was an under-trial prisoner and has undergone more than half of the sentence imposed upon him. In view of Section 436A of

Cr.P.C.,1973, this Court is inclined to suspend the substantive sentence imposed upon the applicant.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the Court of Sessions, Thane, once in six months on the date specified by the Sessions Court.
- (iv) Upon default to appear on any two consecutive dates, the learned Sessions Judge shall issue non-bailable warrant against the applicant and take him into custody. The prosecution shall be at liberty to file an application seeking cancellation of bail.
- (v) The applicant shall inform the Sessions Court, Thane about his permanent address, change in address, cellphone number, etc. at the time of furnishing bail.
- (vi) Parties to act on an authenticated copy of this order.

Application is allowed in the above terms and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)