

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 532 OF 2015
in
CRIMINAL REVISION APPLICATION NO. 616 OF 2015

Anand Narayan Giri	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Shyamrishi Pathak, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 23rd December, 2015.

P.C.

The learned counsel for the applicant submits that inadvertently the name of the applicant has been spelt incorrectly. She seeks leave to amend. Leave as prayed for is granted in the interest of justice since the applicant is in custody. Amendment to be carried out forthwith.

2. This is an application seeking suspension of substantive sentence imposed upon the applicant by the Sessions Court in Criminal Appeal No.628 of 2015 vide judgment and order dated 19.12.2015 thereby confirming the judgment and order passed by the Addl. Chief Metropolitan

Magistrate, 37th Court, Esplanade, Mumbai, dated 15.6.2015 in C.C. No.282/P/ 2003.

3. The learned counsel for the applicant submits that both the Courts have not appreciated the evidence in its proper perspective and that the applicant has a good case on merits. It is further submitted that the applicant herein was in jail from 31.12.2002 to 2.1.2003 and from 23.1.2014 to 27.1.2014. He has been taken into custody on 19.12.2015 after dismissal of the appeal. The learned counsel for the applicant, upon instructions, makes a statement that the applicant has no criminal antecedents and that during the pendency of the appeal he has not committed any offence. In view of this, the applicant deserves to be enlarged on bail during the pendency of the Revision Application. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby

suspended. He be released on bail. Same bail, fresh bonds.

(iii) At the time of furnishing bail, the applicant shall give permanent address well as well cellphone number.

(iii) The applicant shall report to the Court of Addl. Chief Metropolitan Magistrate, Mumbai once in six months on the date specified by the Court.

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

(SMT.SADHANA S.JADHAV, J.)