

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Appeal No.55 of 2015

(Mohan Hariharrao Joshi

vs.

C.B.I., through Superintendent of Police, Nagpur)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 11, 2015.

Heard Mr. V.N. Maronde, the learned Counsel for
the appellant.

Admit.

Call for record and proceedings.

Criminal Application [APPA] No.93/2015 :-

The learned Counsel for the applicant submits that the applicant/appellant has raised substantial grounds challenging the judgment and order of conviction passed by the learned Special Judge, C.B.I. Court, Nagpur. He further submits that the version of the complainant and the shadow witness-panch are in total contrast to each others making the story of prosecution unbelievable and unreliable. He further submits that the applicant during the trial was through out on bail and he had not committed any breach of the conditions or misused the liberty granted to him. He submits that the learned trial Court was pleased to suspend the sentence and the fine amount has been deposited before the trial Court. He further submits that the sentence awarded to the applicant is the rigorous imprisonment of six months along with fine and as such the same can be termed as short sentence. He further submits that it

will take considerable time to hear the appeal and decide the same on merits. Thus, the learned Counsel prays for suspension of sentence and grant of bail.

Mr. S.M. Ghodeswar, the learned A.P.P. vehemently opposes the application.

Perused the memo of appeal, wherein a detailed reference is made to the version of PW-1 and panch-witness. It is also not in dispute that the sentence awarded to the applicant is of six months' rigorous imprisonment and there is nothing on record to show that the applicant had misused the liberty granted to him.

In view of the submission of the learned Counsel for the applicant and for the reasons stated in the application, I am of the opinion that the applicant has made out a case for suspension of sentence and grant of bail.

In the result, the application is allowed.

The applicant be released on bail on his furnishing fresh bond in the same amount and on the same terms and conditions as they were during pendency of the trial. The substantive sentence imposed on the applicant by the trial Court shall remain suspended during pendency of the appeal.

The application stands disposed of as such.

Hamdast granted.

JUDGE

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