

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

CRIMINAL APPEAL NO.337 OF 2015

Ganesh S/o Ukindrao Raut

..VS..

State of Mah., thr PSO Yavatmal City, District Yavatmal

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

Court's or Judge's Order

Shri S.W. Sambre, Counsel for the Appellant.
Mrs. Mayuri Deshmukh, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 5, 2015.

Heard.

ADMIT.

Learned Addl. Public Prosecutor for the
State waives service.

The record and proceedings be called for.

Criminal Application (APPA) No.621 of 2015

Heard.

By this present application under Section
389 of the Code of Criminal Procedure, the
applicant/appellant seeks suspension of sentence and
grant of bail pending disposal of the criminal appeal.

The present applicant/appellant, by
judgment and order passed by learned Special Judge &

.....2/-

Additional Sessions Judge, Yavatmal on 7.9.2015 in Special Case No.03 of 2010, is convicted as per Section 235(2) of the Code of Criminal Procedure for the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short, of the said Act), in connection with Crime No.3100 of 2009 registered with Police Station, Yavatmal (City), District Yavatmal. The applicant/appellant is sentenced to suffer rigorous imprisonment for a period of two years for the offence punishable under Section 7 and for a period of three years for the offence punishable under Sections 13(1) (d), and 13(2) of the said Act respectively with fine of Rs.5,000/-, in default, to suffer simple imprisonment for two months.

Learned counsel for the applicant/appellant makes a statement on affidavit that the applicant/appellant has already deposited the entire fine amount and so also filed on record the receipts showing that he has deposited Rs.10,000/- by way of fine amount. He further submits that after passing of judgment and order by learned Special Judge & Additional Sessions Judge, Yavatmal, learned Judge of the Court below had already suspended the sentence by

.....3/-

exercising powers under Sub Section (3) of Section 389 of the Code of Criminal Procedure.

This Court has already admitted the criminal appeal of the present applicant/appellant.

Looking to the pendency of the criminal appeals before this Court, it would not possible to take final hearing of the criminal appeal. The sentence imposed upon the applicant/appellant is for a fixed duration. That leads me to pass the following order :-

ORDER

1] The criminal application is allowed.

2] The substantive sentence, imposed upon the applicant/appellant by judgment and order passed by learned Special Judge & Additional Sessions Judge, Yavatmal on 7.9.2015 in Special Case No.03 of 2010, shall remain suspended pending disposal of the criminal appeal.

3] The applicant/appellant be released on bail on his executing fresh Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand

.....4/-

Only) with one solvent surety in the like amount before the Trial Court.

4] The applicant/appellant is directed, at the time of final hearing of the criminal appeal, he shall remain present personally before this court.

With these observations and directions, the criminal application is allowed and disposed of as such.

JUDGE

!! BRW !!

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