

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

Criminal Appeal No. 386 of 2015

(Kushab S/o Ramchandra Parelwar Vs. The State of Mah. through Deputy
Supdt. Police, Anti Corruption Bureau, Nagpur)

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

Court's or Judge's order

Shri G. G. Bade, Advocate for appellant
Shri R. S. Nayak, APP for the State/respondent

CORAM : V. M. DESHPANDE, J.

DATE : 30-10-2015.

Heard Shri Bade, learned counsel for the
appellant.

Admit.

Learned Additional Public Prosecutor waives
service for the State/respondent.

Call record and proceedings.

Criminal Application (APPA) No. 704 of 2015

This is an application for suspension of
sentence and for grant of bail.

Heard learned counsel for the applicant and
learned Additional Public Prosecutor.

The applicant is convicted by the learned
Special Judge, Special Court for Anti Corruption
Bureau, Nagpur in Special (ACB) Case No. 7/1995
for the offences punishable under Sections 7,
13(1)(d) read with Section 13(2) of the Prevention
of Corruption Act. The applicant is directed to suffer
R.I. for one year and to pay a fine of Rs. 3,000/- in
default of payment of fine to suffer R.I. for 3 months

.....2/-

for the offence punishable under Section 7 of the Prevention of Corruption Act. He is also directed to suffer R.I. for one year and to pay a fine of Rs. 3,000/- in default of payment of fine to suffer R.I. for 3 months for the offence punishable under Section 13(10(d) read with Section 13(2) of the Prevention of Corruption Act.

The applicant was on bail throughout.

The learned counsel for the applicant submits that the applicant has already deposited the fine amount on the date of conviction itself. Learned counsel has produced xerox copies of the receipts showing the payment. Statement is accepted. The receipt are taken on record and they are marked as 'X' for the purpose of identification. The learned counsel for the applicant submits that the applicant has granted bail under sub-section (3) of Section 389 of the Code of Criminal Procedure to enable the applicant to approach this Court. In that view of the matter, on fix duration of the sentence, I propose to pass the following order.

- (i) The criminal application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant in Special (ACB) Case No. 7/1995 by the Special Judge, Special Court for ACB, Nagpur shall remain suspended during the pendency of the appeal.
- (iii) The applicant be released on bail on his executing P.R. bond in the sum of Rs. 25,000/- with

.....3/-

one solvent surety in the like amount.

(iv) Bail before the trial Court.

Criminal Application (APPA) No. 703 of 2015

This is an application for grant of stay to the judgment dated 6-10-2015 passed by the Special Judge, Special Court for ACB, Nagpur in Special (ACB) Case No. 7/1995.

Heard the learned counsel for the applicant.

No case is made out for stay. Hence, the application is rejected.

JUDGE

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