

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 828 OF 2016 IN
CRIMINAL APPEAL NO. 59 OF 2016

Shivkumar S/o Ramdeo Joshi,
Age : 72 years, Occu.: Retired,
R/o : 2809, Lane No.4,
Behind Agarwal Bhawan,
Dhule 424 001

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. A.A. Mukhedkar, Advocate for the applicant
Mr. R.B. Bagul, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 12/02/2016

ORAL ORDER :

Heard.

2. Notice.

3. Learned A.P.P. waives notice for the respondent-State.

4. The applicant, who has been convicted by the learned Additional Sessions Judge, Dhule vide judgment and order dated 30/12/2015 passed in Special Case No. 7 of 1991, for the offences punishable under section

120-B, 409, 467 and 477-A r/w. 120-B of the Indian Penal Code and under section 13(1)(c)(d) r/w. 13(2) of the Prevention of Corruption Act r/w. 120-B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years and to pay fine of Rs.10,000/-, in default to suffer simple imprisonment for 9 months for the offence punishable under section 120-B of the Indian Penal Code, and sentenced to suffer rigorous imprisonment for 3 years on each count and to pay fine of Rs.10,000/- on each count, in default to suffer simple imprisonment for 6 months on each count for the offences punishable under section 409, 467 and 477-A r/w. 120-B of the Indian Penal Code, and sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.15,000/-, in default to suffer simple imprisonment for 9 months for the offences punishable under section 13(1)(c)(d) r/w. 13(2) of the Prevention of Corruption Act r/w. 120-B of the Indian Penal Code, is praying for suspension of the substantive sentences during the pendency of the appeal and his release on bail.

5. Learned counsel for the applicant submits that fine amount is already deposited.

6. Considering the fact that short term sentences are awarded to the present applicant and those are suspended by the trial Court during the appeal period, the substantive sentences are hereby suspended till the decision in the appeal. The applicant be released on bail, upon his execution of P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

7. Hamdast granted.

8. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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