

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 163 OF 2016

IN

CRIMINAL APPEAL NO. 55 OF 2016

CUSTODIO CAIADO @ LOWRSA.

... Applicant

Versus

STATE THR. P.P.,

... Respondent

Mr. S. Shet, Advocate for the applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the respondent-State.

Coram:- C. V. BHADANG, J.

Date:- 20th August, 2016

P.C.

Heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the State.

2. This is an application for suspension of sentence. The applicant along with co-accused has been convicted for the offences punishable under Sections 307 and 323 read with Section 34 of Indian Penal Code (IPC, for short) and he has been sentenced to undergo Simple Imprisonment for six months and to pay a compensation of Rs.50,000/- to Shri Francis @ Franky Pereira and compensation of Rs.2,000/- to Smt. Albertina Rodrigues. The applicant was all along on bail during the course of trial. The learned Counsel for the applicant, on instructions, states that the applicant shall deposit an

amount of compensation of Rs.52,000/- before the learned Sessions Judge, within a period of one week from today. The statement is accepted.

3. In such circumstances, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment is hereby suspended pending disposal of the appeal, on condition of the applicant furnishing a P.R. Bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.
- (iii) The applicant shall deposit the amount of Compensation of Rs.52,000/- before the learned Sessions Judge, within a period of one week from today.
- (iv) Bail bonds to be furnished before the learned Sessions Judge.
- (v) In the event of failure to deposit the compensation, the order of suspension is liable to be recalled.

C. V. BHADANG, J.

SMA