

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 608 OF 2016
IN
CRIMINAL APPEAL NO. 340 OF 2016

Mr.Bhagvant Tukaram Chandekar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms.Gulestan Mehernosh Dubash,Advocate for the applicant.
Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 3rd May, 2016.

P.C.

This is an application under Section 389 OF Cr.P.C. seeking suspension of substantive sentence.

2. The applicant herein is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for one year and fine of Rs.5,000/- in default, S.I. for 3 months. He is also convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of the P.C. Act and sentenced to suffer R.I. for one year and fine of Rs.5,000/- in default S.I. for 3 months by the Special Judge,

Kolhapur, in Special Case No.11 of 2015 vide judgment and order dated 31.3.2016.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the appeal and has not committed breach of any conditions imposed upon him. It is submitted that the sentence imposed upon the applicant is a short-term sentence and it is not likely that the appeal would be heard in the near future. In view of this, the application deserves to be enlarged on bail during the pendency of the appeal.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall furnish fresh bail bonds within four weeks from today. Upon failure, the learned Special Judge shall issue non-bailable warrant against the applicant, calling upon him to serve the rest of the sentence.
- (iv) It is made clear that the suspension of substantive sentence shall not be construed as suspension of conviction.

(v) The applicant shall report to the Court of Special Judge once in six months on the dates as may be specified by the said Court. In case of failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail order.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)