

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 18 OF 2016
IN
CRIMINAL APPEAL NO. 8 OF 2016

Desu Valu Pawar. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Ritesh Thobde, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JANUARY 19, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1978 seeking suspension of substantive sentence imposed
upon the applicant. The applicant herein is convicted for offence
punishable under section 7 of the Prevention of Corruption Act, 1988

and sentenced to suffer R.I. for 2 years and fine of Rs. 2000/- i.d. to suffer S.I. for six months. He is also convicted for offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act and sentenced to suffer R.I. for the period of 2 years and pay fine of Rs. 2000/- i.d. to suffer S.I. for 3 months in Special Case No. 1 of 2012 by the learned Special Judge, Solapur vide Judgment and Order dated 30/11/2015.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. It is also submitted that the sentence imposed upon the applicant is a short term sentence and the appeal is not likely to be heard in the near future. Therefore, the learned Counsel for the applicant prays for the extension of the same relief during the pendency of the appeal.

4 Upon query made by the Court, the learned Counsel for the applicant submits that the applicant was granted bail during the

pendency of the trial and is still in service. The suspension of sentence shall not be construed as suspension of conviction recorded by the Special Judge. However, taking into consideration the short term sentence imposed upon the applicant, this Court is of the opinion that the applicant deserves to be enlarged on bail.

5 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on bail. Same bail, fresh bond.
- (iii) The applicant shall furnish bail within four weeks from today before the Special Judge, Solapur.
- (iv) The applicant shall furnish his address, contact number like cell number, landline number etc. to the concerned court.
- (v) The applicant shall attend the Court of Special Judge, Solapur, once in six months on the date specified by the concerned Court. On

failure to attend the court by the applicant, the prosecution is at liberty to move for cancellation of bail.

6 The application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)