

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 40 OF 2016  
IN  
CRIMINAL APPEAL NO. 17 OF 2016

Bhau Parvat Jadhav. ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr. Aniket U. Nikam, advocate for Applicant.

Mr. A.S. Patil, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : JANUARY 13, 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, 1973. The applicant herein is convicted for the offence  
punishable under Section 12 of the Prevention of Corruption Act,  
1988 and sentenced to suffer R.I. for 3 years and to pay fine of Rs.

5000/- i.d. to suffer R.I. for 3 months by the learned Special Judge(Anti Corruption), Pune in Special Case No. 10 of 2015 vide Judgment and Order dated 19/12/2015.

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 prayed that sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal may be heard in the near future. It is also submitted that after recording conviction, the Special Judge has been pleased to suspend the substantive sentence till the appeal period. In view of this, he prays for suspension of substantive sentence.

4 Taking into consideration the facts of the case, the sentence imposed upon the applicant and the submissions advanced across the bar, the substantive sentence needs to be suspended.

5 Hence, following order is passed:

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 bond.
  - (iii) Bond to be executed within 2 weeks from today.
  - (iv) The applicant shall furnish his present address, his landline number and his cell number to the concerned court.
  - (v) The applicant shall report to the Court of Special Judge(Anti Corruption), Pune once in 6 months on the dates specified by the concerned Court. Upon failure to report on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.
- 6 The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**