

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 128 OF 2016
IN
CRIMINAL APPEAL NO. 65 OF 2016

Ashok Pandurang Savratkar	...	Applicant
vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Chandrakant K.Talekar, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 5th February, 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 381 of Indian Penal Code and sentenced to suffer R.I. for one year and fine of Rs.1,000/- in default further R.I. for three months. He is also convicted for the offence punishable under Section 409 of IPC and sentenced to suffer R.I. for three years and fine of Rs.5,000/- in default R.I. for six months. He is also convicted for the offence punishable under

Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to R.I. for 3 years and fine of Rs.5,000/- in default R.I. for six months by the Special Judge for CBI, City Civil & Sessions Court, Greater Mumbai, in Special Case No.9 of 2008 vide the judgment and order dated 9.12.2015.

3. The learned counsel for the applicant submits that the sentence imposed upon the applicant is a short-term sentence. That he was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him and, therefore, he deserves extension of the same relief during the pendency of the appeal.

4. As against this, the learned APP submits that the applicant was serving as a cashier in New India Insurance Co. and that he did not deposit the cash premium of the colients in the Company's account maintained in Central Bank of India and hence committed criminal breach of trust to the tjne of Rs.6,17,814/-. According to the learned APP, the respondent No.2 is likely to file an appeal seeking enhancement of sentence and therefore the applicant should not be enlarged on bail.

5. The learned counsel for the applicant submits that the applicant has retired from service on superannuation and therefore his case should be considered leniently.

6. Taking into consideration the fact that the sentence imposed upon the applicant is a short-term sentence, this Court is hearing criminal appeals against conviction of the year 1996, the accused is convicted under the provisions of Prevention of Corruption Act and therefore, it may not be possible to hear the appeal in the near future. Hence, the following order :-

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 bonds within 3 weeks from today. Upon failure to furnish the bail bonds within the stipulated period, the Special Judge shall issue non-bailable warrants against the applicant calling upon him to serve the rest of the sentence.
- (iv) The applicant shall report to the Court of Special Judge once in six months on the date specified by that Court. Upon failure to attend that Court on any two consecutive dates, the prosecution shall be at liberty to

move for cancellation of bail.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)