

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 130 of 2016
IN
CRIMINAL APPEAL NO. 66 OF 2016

Nuroddin Ahmed Shaikh	...	Applicant
vs.		(Orig. Accused)
The State of Maharashtra	...	Respondent

Mr. B.R.Patil, Advocate for the applicant.
Mr. A.S.Patil, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 1st February, 2016.

P.C.

This is an application under Section 389 of the Code of Criminal Procedure, 1973 seeking suspension of the substantive sentence.

2. The applicant herein was convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for two years and fine of Rs.3,000/- in default R.I. for two months. He is also convicted for the offence under Section 13(10(d) read with Section 13(2) of the Prevention of Corruption Act and sentenced to suffer R.I. for two months and fine of Rs.2,000/- in default R.I. for two months by the Special Judge, Solapur, in Special Case (ACB) No.6 of 2012

vide judgment and order dated 14.1.2016.

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 conditions imposed upon him. It is also submitted that the sentence imposed upon the applicant is a short-term sentence and that the substantive sentence has been suspended by the Special Judge in order to enable the applicant to file an appeal

4. Taking into consideration the fact that the sentence imposed upon the applicant is a short-term sentence, the applicant deserves to be enlarged on bail during the pendency of the appeal. 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 bail bonds within three weeks from today. Upon failure to furnish the bail bonds, within 3 weeks from today, the learned Special Judge shall issue non-bailable warrant against the

applicant.

(iv) The applicant shall report to the Court of Special Judge, Solapur, once in six months on the date assigned by that Court. Upon failure to attend on any two consecutive dates, the prosecution shall be at liberty to apply for cancellation of bail.

(v) The parties to act on an authenticated copy of this order.

Application is allowed and disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)