

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 133 OF 2016
IN
CRIMINAL APPEAL NO. 71 OF 2016

Shashikant Haridas Nigade

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Abhijeet Mantri i/b Mr. Vaibhav G. Bagade Advocate for the
Appellant
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 10, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicant herein is convicted for offence punishable under section 7 of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year and fine of Rs. 2000/- in default to suffer further simple imprisonment for one month, he is also convicted for offence punishable under section 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 and sentenced to

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suffer rigorous imprisonment for two years and fine of Rs. 2000/- in default to suffer simple imprisonment for one month by the Special Judge, Pune in Special Case No. 1 of 2013.

2) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial and has not committed breach of any conditions imposed upon him and hence, he is entitled to the extension of same relief during the pendency of appeal. He has further submitted that sentence imposed upon the applicant is a short term sentence. This Court is hearing the criminal appeals of the year 1996 wherein appellants are convicted under the provisions of Prevention of Corruption Act, 1988 and hence, it would not be possible to take up the matter for final hearing in the near future.

3) In the given circumstances, applicant deserves grant of bail during the pendency of appeal. Hence, following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on same bail, fresh bonds.
- (iii) Applicant shall furnish fresh bonds before Special Court, Pune,

within 3 weeks from today.

(iv) Upon failure to furnish fresh bonds within the stipulated time, learned Special Court shall issue non-bailable warrant upon the applicant calling upon him to serve the rest of the substantive sentence.

(v) Suspension of substantive sentence shall not be construed as suspension of conviction.

(vi) Applicant shall report to Court of Special Judge, Pune, once in six months, as directed by the Special Court, Pune, till the conclusion of appeal.

(vii) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

(viii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)