

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 43 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 51 OF 2016

Wasim Shaikh Rafique

.....Applicant

V/s.

Felix Anthony Fransis and another

....Respondents

Mr. Satyavrat Joshi for the applicant

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 29, 2016.

PC :

Not on board. Upon production, taken on board.

Heard. This is an application seeking suspension of substantive sentence imposed upon the applicant. Applicant herein is convicted for offence punishable under section 138 of Negotiable Instruments Act by Judicial Magistrate First Class, Cantonment Court, Pune vide Judgment and Order dated 24/06/2010 and sentenced to suffer rigorous imprisonment for 4 months and fine of Rs. 50,000/- in default to suffer further rigorous imprisonment for 4 months.

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2) Being aggrieved by the said Judgment and Order, applicant herein had filed criminal appeal 279 of 2010. Learned Sessions Court vide Judgment and Order dated 19/01/2016 has been pleased to dismiss the appeal. On the same day, applicant has been taken into custody.

3) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial as well as during the pendency of appeal and has not committed breach of any conditions imposed upon him and therefore he is entitled to the extension of the same relief during the pendency of revision application. It is also submitted that applicant has deposited fine amount imposed upon him.

4) Taking into consideration the fact that the sentence is a short term sentence and that he has deposited the entire fine amount, applicant deserves grant of bail. Hence, following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended and he be enlarged on same bail, fresh bonds.
- (iii) Applicant shall report to Cantonment Court, Pune, once in six

months, as directed by the concerned court, till the conclusion of revision application.

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

(v) Application stands disposed of.

(vi) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)