

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 267 OF 2016
IN
CRIMINAL APPEAL NO. 157 OF 2016

Manoj Ramesh Waghela. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Viresh V. Purwant, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 1, 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 seeking suspension of substantive sentence imposed
upon the applicant. The applicant herein is original Accused No. 2 in
Special Case No. 53 of 20150. The Learned Special Judge (Anti-

Corruption) Pune vide Judgment and Order dated 23/2/2016 has been pleased to convict the applicant for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for three years and to pay fine of Rs. 3,000/- I.d. to suffer further R.I. for three months. The applicant is also convicted for an offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for four years and to pay fine of Rs. 5,000/- I.d. to suffer further R.I. for six months.

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 also submitted that since the applicant is convicted for offence punishable under Section 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for four years, the applicant has been taken into custody on 23/2/2016 and is in jail. The learned Counsel further submits that the sentence imposed upon the applicant is a short term sentence.

4 Taking into consideration the fact that the sentence imposed upon the applicant is a short term sentence and that this Court is hearing the appeals of the year 1996 where the appellants are convicted under provisions of the Prevention of Corruption Act, this appeal may not reach the stage of final hearing in the near future, the applicant deserves to be enlarged on bail.

5 Hence, following order is passed :

ORDER

- (i) The Criminal Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bond.
- (iii) The applicant shall furnish his residential address, contact number like landline number, cell phone number etc. to the concerned court.

(iv) The applicant shall report to the Special Court(Anti-Corruption), Pune once in 6 months on the date specified by the concerned court. Upon failure to attend on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

6 It is made clear that suspension of sentence does not amount to suspension of conviction.

7 The Criminal Application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)