

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 184 OF 2016
IN
CRIMINAL APPEAL NO. 104 OF 2016

1. Sunil Lahuram Jadhav	)	
2. Baboo Pandurang Hirve	)	
3. Vijay Janardhan Zore	)	Applicants
vs.		
The State of Maharashtra	...	Respondent

Mr. Santosh H. Chari, Advocate for the applicants.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 2nd March, 2016.

P.C.

Heard.

2 This is an application under Section 389 of the Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicants. The applicants herein are original Accused Nos. 3 to 5 in Sessions Case No. 198 of 2014. The learned Additional Sessions Judge, Greater Bombay vide Judgment and Order dated 30/1/2016 has been pleased to convict

the applicants for the offence punishable under Section 304(II) read with Section 34 of the Indian Penal Code and has sentenced them to suffer R.I. for five years and to pay fine of Rs. 5,000/- each in default to suffer S.I. for six months.

3. The learned counsel for the applicants submits that the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. It is further submitted that the sentence imposed upon the applicants is a short-term sentence. That this Court is hearing appeals of the year 1996, where the appellants are convicted for the offence under the provisions of the Prevention of Corruption Act. Hence, it is not likely that the appeal would be taken up for final hearing in the near future. In view of this, the applicants deserve to be enlarged on bail.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicants is hereby suspended. They be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicants shall furnish fresh bonds before the Addl.

Sessions Judge, Greater Bombay within three weeks from today. Upon failure to furnish fresh bail bonds within three weeks, the learned Addl.Sessions Judge shall issue non-bailable warrant against the applicants calling upon them to serve the rest of the substantive sentence.

(iv) The applicants shall report to the Court of the Addl.Sessions Judge, for CBI for Greater Bombay once in six months on the dates specified by that Court. In case of failure to attend on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

(v) It is made clear that suspension of substantive sentence would not mean suspension of conviction.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)