

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 208 OF 2016
IN
CRIMINAL APPEAL NO. 130 OF 2016

Sambhaji Ganpati Mane	...	Applicant
vs.		
State of Maharashtra	...	Respondent

Mr. Rohan Nahar, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

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

P.C.

Heard.

Heard. This is an application under Section 389 of Cr. P.C. seeking suspension of substantive sentence. The applicant herein is convicted for the offence punishable under Sections 7 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for three years and fine of Rs.3,000/-, in default, R.I. for three months. The applicant is also convicted for the 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 fine of Rs.5000/-, in default, further R.I. for

six months by the Special Judge (Anti Corruption), Pune , in Special Case No.37 of 2015 vide judgment and order dated 12.2.2016.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial. However, since the sentence imposed upon the applicant for the offence punishable under Section 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act is for four years. The applicant has been taken into custody on 12.2.2016 and is in custody. The applicant has deposited the amount of fine on 12.2.2016.

3. The learned counsel for the applicant submits that the sentence imposed upon the applicant is a short-term sentence it is not likely that the appeal would be taken up for final hearing in the near future. Hence, it is prayed that the applicant is entitled to the same relief 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 same quantum of bail. The applicant is at liberty to furnish fresh bonds with fresh securities.
- (iii) The applicant shall furnish fresh bail bonds before the Special

Judge within three weeks from today. Upon failure to furnish fresh bail bonds within three weeks, the learned Special Judge shall issue non-bailable warrant against the applicant calling upon him to serve the rest of the substantive sentence.

(iv) The applicant shall report to the Court of the Special Judge, Pune, 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 be construed as suspension of conviction.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)