

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 341 OF 2016
IN
CRIMINAL APPEAL NO. 188 OF 2016

Shankar Raghunath Gaikwad

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Omkar Nagwekar for Applicant
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 11, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant. Applicant is original accused no. 2 in Special Case No. 42 of 2014. Learned Special Judge, Pune vide Judgment and Order dated 18/01/2016 has been pleased to convict the appellant for offence punishable under section 12 of Prevention of Corruption Act, 1988 and has sentenced to suffer rigorous imprisonment for one year and fine of Rs. 2000/- in default to suffer simple imprisonment for one month.

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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. It is further submitted that Special Judge has suspended the substantive sentence for a period of one month in order to enable the applicant to file an appeal.

3) This Court is hearing the appeals of the year 1996-1997 where the appellants are convicted under the provisions of Prevention of Corruption Act. It is not likely that the appeal would be heard in the near future. Hence, applicant deserves grant of bail during the pendency of appeal.

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 furnish fresh bonds within 3 weeks from today. Upon failure to furnish fresh bail bonds within the stipulated time, learned Special Judge shall issue non-bailable warrant against the applicant calling upon him to serve the rest of the sentence.

(iv) Applicant shall report to Court of Special Judge, Pune, once in six

months, as directed by the Special Court, till the conclusion of appeal.

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

(vi) It is made clear that suspension of substantive sentence shall not be construed as a suspension of conviction.

(vii) Application stands disposed of.

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

(SMT. SADHANA S. JADHAV, J.)