

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 382 OF 2016
IN
CRIMINAL APPEAL NO. 218 OF 2016

Dattu Nana Pawar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Niranjan Mundargi i/b Mr. Devidas J. Jadhav Advocate for the
applicant

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : APRIL 20, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence. Applicant herein is convicted for offence punishable under section 333 of Indian Penal Code and is sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 1,000/- in default to suffer further rigorous imprisonment for 3 months, he is also convicted for offence punishable under section 353, 504 & 506 of Indian Penal Code by Additional Sessions Judge, Baramati in Sessions Case No. 40 of 2010 vide Judgment and Order dated 08/02/2016.

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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. The sentence imposed upon the applicant is a short term sentence and the appeal is not likely to be heard in the near future. In view of this, following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail, same bail, fresh bonds.
- (iii) Applicant shall furnish fresh bail bonds within 3 weeks from today before learned Sessions Judge, Baramati.
- (iv) Upon failure to furnish fresh bail bonds within the stipulated time, learned Sessions Judge Baramati shall issue non-bailable warrant against applicant calling upon him to serve the substantive sentence.
- (v) Applicant shall attend Sessions Court, Baramati once in six months, on the date specified by the Sessions Judge, till the conclusion of appeal.
- (vi) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

- 3) Application stands disposed of in the above terms.
- 4) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)