

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 412 OF 2016

Shivaji Dhondiba Chavan

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Aniket U. Nikam Advocate for the Applicant.

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : MARCH 22, 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 7 of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 3000/- in default to suffer further rigorous imprisonment for three months. He is also convicted for offence punishable under section 13 (1) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for 4 years and fine of Rs. 5000/- in default to suffer further rigorous

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imprisonment for 6 months by Special Judge, (Anti-Corruption), Pune in Special No. 44 of 2015 vide Judgment and Order dated 18/03/2016.

2) Learned counsel for the applicant submits that applicant has been taken into custody on 18/03/2016 and that he has deposited fine amount. It is further submitted that applicant was on bail during the pendency of trial and has not committed breach of any conditions imposed upon him. It is also submitted that the sentence imposed upon the applicant is a short term sentence and it is not likely that the appeal would be heard in the near future.

3) In view of this, applicant deserves to be enlarged on 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 bail, same bail fresh bonds.
- (iii) Applicant shall report to Court of Special Judge, Pune, once in six months, as directed by concerned court, till the conclusion of appeal.
- (iv) Upon failure to attend any two consecutive dates, prosecution

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would be at liberty to seek cancellation of bail.

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

(vi) Application stands disposed of.

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

(SMT. SADHANA S. JADHAV, J.)