

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 413 OF 2016
IN
CRIMINAL APPEAL NO. 239 OF 2016

Jogindersing Ratansing Rajput. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Dilip Bodake, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 23, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence. The
applicant herein is original accused No. 1 in Special Case No. 31 of
2015. The applicant is convicted for the offence punishable under

Section 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 2000/- I.d. to suffer R.I. for 3 months for offence punishable under Section 7 of the Prevention of Corruption Act and sentenced to suffer R.I. 4 years and to pay fine of Rs. 2,000/- i.d. to suffer R.I. for 3 months for offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, by the learned Special Judge, Pune vide Judgment and Order dated 14th March, 2016.

3 The learned Counsel for the applicant submits that the applicant has been taken into custody on 14th March, 2016. The learned Counsel submits that the applicant has deposited the amount of fine. It is further submitted that the sentence imposed upon the applicant is a short terms sentence and it is not likely that the appeal would be taken up for final hearing in the near future. That the applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon the him.

4 Considering the submissions advanced across the bar and the facts of the case, the applicant deserves to be enlarged on bail.

5 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail, fresh bond.
- (iii) The applicant shall furnish his residential address, contact numbers such as cell phone numbers, landline numbers etc. to the learned Special Court, Pune.
- (iv) The applicant shall report to the Court of Special Judge, Pune once in 6 months on the date specified by the concerned Court. Upon failure to report on two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

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

7 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)