

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 543 OF 2016
IN
CRIMINAL APPEAL NO. 296 OF 2016

Nilkanth Kisanrao Kshirsagar

.....Applicant

V/s.

The State of Maharashtra and another

....Respondents

Mr. M. S. Mohite i/b Mr. Ashish Sawant Advocate for the Applicant
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : APRIL 21, 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 6 months and fine of Rs. 2,000/- in default to suffer rigorous imprisonment for one month, he is also convicted for offence punishable under section 13 (1) (d) r/w section 13 (2) of Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for one year and fine of Rs. 2,000/- in default to suffer rigorous imprisonment for one month by Special Judge in Special Case

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(C.B.I.) No. 13 of 2003 vide Judgment and Order dated 30/03/2016.

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. It is not likely that the appeal would be heard finally in the near future. In view of this, application seeking enlargement on bail deserves to be allowed.

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 furnish fresh bail bonds before Special Judge, Nashik within 3 weeks from today. Upon failure to furnish fresh bail bonds within the stipulated time, Special Judge shall issue non-bailable warrant against accused calling upon him to serve the substantive sentence.
- (iv) Applicant shall attend Court of Special Judge, Nashik, once in six months, on the date as specified by the Special Judge, till the conclusion of appeal.

- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- 3) It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.
- 4) Application stands disposed of in the above terms.
- 5) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)