

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 591 OF 2016
IN
CRIMINAL APPEAL NO. 336 OF 2016

Savaleram Thamaji GawariApplicant
V/s.
The State of MaharashtraRespondent

Mr. Sandeep S. Salunkhe Advocate for Applicant.
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : APRIL 28, 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 is sentenced to suffer rigorous imprisonment for 3 years and fine of Rs. 3,000/- in default to suffer rigorous imprisonment for 3 months, he is also convicted for offence punishable under section 13 (1) (d) r/w section 13 (2) of Prevention of Corruption Act, 1988 and is sentenced to suffer rigorous imprisonment for 4 years and fine of Rs. 3,000/- in default to suffer rigorous imprisonment for 3 months by Special Judge, Pune in Special

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Case No. 22 of 2015 vide Judgment and Order dated 18/04/2016.

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. Applicant herein is taken into custody on 18/04/2016 and is in custody. It is not likely that the appeal would be taken up for final hearing in the near future. In view of this, applicant deserves to be enlarged on bail.

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, on the date as specified by the Special Judge, till the conclusion of appeal.
 - (iv) 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.)