

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 617 OF 2016
IN
CRIMINAL APPEAL NO. 345 OF 2016

Uttam Subhash Kshirsagar. ... Appellant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Ashish Satpute i/b. Mr. Aniket U. Nikam, advocate for Appellant.

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

CORAM : SMT.SADHANA S. JADHAV,J
DATE : MAY 3, 2016

P.C.:

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

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of sentence imposed upon the
applicant. The applicant herein is convicted for offence punishable

under Section 7 of the Prevention of Corruption Act, 1988 and is sentenced to suffer R.I. for 3 years and to pay fine of Rs. 2000/- in default to suffer R.I. for 3 months. He is further convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for 4 years and to pay fine of Rs. 2,000/- in default to suffer R.I. for 3 months by Special Judge, Pune in Special Case No. 50 of 2015 vide Judgment and Order dated 26/4/2016.

3 Learned Counsel for the applicant submits that the applicant has been taken into custody on 26th April, 2016. He has deposited amount of fine. It is submitted that the applicant was on bail during the pendency of trial and has not committed breach of any condition imposed upon him. It is further submitted that the sentence imposed upon the applicants is a short term sentence and it is not likely that the appeal would be heard in the near future. Hence, it is submitted that the applicant is entitled to extension of the same relief during the pendency of the appeal.

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

5 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the Special Judge, Pune once in 6 months on the date specified by the concerned court. Upon failure to attend any two consecutive dates by the applicant, the prosecution is at liberty to move for cancellation of bail.

(iv) The applicant shall furnish his residential address, his contact numbers such as cell phone numbers, landline numbers etc. to the concerned Court.

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

7 The Application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)