

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 629 OF 2016
IN
CRIMINAL APPEAL NO. 352 OF 2016

Hanmanth Shripati Kadam

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant.

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

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : MAY 6, 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 2 years and fine of Rs. 1,000/- in default to suffer further rigorous imprisonment for 1 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 3 years and fine of Rs. 2,000/- in default to suffer rigorous imprisonment for 2 months by Additional Sessions Judge,

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Satara in Special Case No. 8 of 2014 vide Judgment and Order dated 02/04/2016.

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 sentenced and it is not likely that the appeal would be heard in the near future. In view of this, application 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 within 6 weeks from today before the Sessions Court at Satara.
- (iv) Upon failure to furnish fresh bail bonds within the stipulated time, learned Sessions Judge shall issue non-bailable warrant against the applicant calling upon him to serve the substantive sentence.
- (v) Applicant shall report to Court of Sessions, Satara, once in six months, on the date as specified by the Sessions Judge, till the conclusion of appeal.

- (vi) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- 3) It is made clear that the suspension of substantive sentence shall not be construed as a suspension of conviction.
- (4) Application is allowed and disposed of in the above terms.

(SMT. SADHANA S. JADHAV, J.)