

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.811 OF 2016

IN

CRIMINAL APPEAL NO.723 OF 2016

SHANKARAYYA KANKAYYA DASARI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

None for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th NOVEMBER 2016.

P.C. :

1 This is an application by applicant / accused, who is convicted of the offences punishable under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act, for suspension of sentence and for releasing him on bail, during the pendency of the appeal.

2 None for the applicant / accused. Heard the learned APP appearing for the respondent. She opposed the application by contending that as the applicant is convicted, he cannot now be enlarged on bail.

3 Perusal of the impugned judgment and order goes to show that the present applicant / accused no.1 was convicted of offences punishable under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act. For the offence punishable under Section 7 of the said Act, he was sentenced to suffer rigorous imprisonment of 1 year and to pay a fine of Rs.1,000/-. For the offence punishable under Section 13(1)(d) read with Section 13(2) of the said Act, he was sentenced to suffer rigorous imprisonment of 1 year. The applicant / accused is also sentenced to pay a fine of Rs.1,000/- each on both the counts and to undergo rigorous imprisonment for 3 months, in default. The substantive sentences of imprisonment are directed to run concurrently.

4 It is, thus, clear that short sentence is imposed on the applicant / accused. It is well settled that application for suspension of sentence is to be considered with a liberal approach. It is seen that the applicant / accused was also on bail during the pendency of the appeal. In this view of the matter, the application deserves to be allowed and therefore the following order :

- i) Substantive sentence of imprisonment awarded to the applicant / accused in Special Case No.11 of 2014 by judgment and order dated 18th March 2016 is suspended and the applicant / accused is released on same bail with fresh bond.

5 The application is accordingly disposed of.

(A. M. BADAR, J.)