

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.953 OF 2016

IN

CRIMINAL APPEAL NO.594 OF 2016

NILESH BABANRAO PATIL

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Sandeep Koregave, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 5th OCTOBER 2016.

P.C. :

1 Learned APP submits that inspite of calling for instructions with reference to order dated 30th August 2016 passed by this court, to know if appeal is preferred by State for enhancement of sentence, passed by learned Sessions court, Kolhapur, it is informed that no instructions are received.

2 Record reveals that on 30th August 2016 this matter was listed for hearing for suspension of sentence. However, for above

reason same was adjourned. In spite of time granted, no statement however is made.

In that view of the matter, heard learned counsel for applicant and learned APP.

3 By this application, learned counsel for applicant had submitted that applicant came to be convicted along with other co-accused for the offence punishable under Sections 4 and 5 of Explosive Substances Act 1908 and is sentenced to suffer rigorous imprisonment for 3½ years and to pay a fine of Rs.1,000/-, in default, to suffer rigorous imprisonment for 6 months. It is contended that applicant has already undergone period of 2 years and 6 months since he is in custody since 6th April 2014. It is, therefore, prayed that application be allowed by imposing suitable conditions upon applicant.

4 Record reveals that applicant having been convicted for the offence punishable under Sections 4 and 5 of Explosive Substances Act, 1908, and under Section 120B of IPC, is sentenced to suffer rigorous imprisonment for 3½ years and to pay a fine of Rs.1,000/-, in default, to suffer rigorous imprisonment for 6 months on all counts. All the sentences are directed to run concurrently.

5 Learned Sessions court while awarding sentence as aforesaid has considered young age of applicant and had noted that there are no criminal antecedents and in that view of the matter, took lenient view while awarding sentence.

6 Considering above said facts and the conviction imposed as aforesaid upon applicant, application is liable to be allowed by imposing suitable conditions as per order below :

- i) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.25,000/- with one surety in like amount.
- ii) While on bail, applicant shall mark his presence with Kagal Police Station, District Kolhapur, once in three months, on the first day of such month, pending appeal.
- iii) Applicant shall produce proof of his residence to the Investigating Officer and change in address if any in future shall be intimated to the concerned Police station.

(P N. DESHMUKH, J.)