

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.547 OF 2016

AND

CRIMINAL APPLICATION NO.548 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.527 OF 2016

SAHEBRAO DAGADU KAMBLE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Sahebrao Kamble – Applicant appearing in person.

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

CORAM : P N. DESHMUKH, J.

DATE : 1st OCTOBER 2016.

P.C. :

1 These applications are filed by applicant for suspension of substantive sentence and conviction imposed upon him and for grant of bail. Applicant Sahebrao Kamble is present in person. He has made a statement that the committee constituted by High court for considering the competency of a party to appear in person has rejected his prayer to allow him to appear in person. He, therefore, prays for providing him legal aid advocate. In that view of the matter, Member - Secretary, Maharashtra State Legal Services Authority, is requested to provide

legal aid advocate to applicant named above from amongst the list of advocates prepared by State Legal Services Authority by the adjourned date.

Applicant, however, prays for suspension of conviction and sentence, pending appointment of legal aid advocate.

2 It appears that applicant came to be convicted by the learned Chief Judicial Magistrate, Sangli, for the offence punishable under Section 409 of IPC and is sentenced to suffer simple imprisonment for 2 years and to pay compensation of Rs.22,622/-, in default of payment of compensation, to suffer simple imprisonment for 6 months.

Appeal preferred against this judgment came to be partly allowed, whereby, sentenced imposed upon applicant for the offence punishable under Section 409 of IPC is maintained, however amount of compensation awarded by trial court is modified thereby imposing fine of Rs.5000/- upon the applicant, in default of payment of said fine, applicant is directed to suffer simple imprisonment for 6 months.

Vide the impugned judgment dated 5th July 2016, applicant is directed to surrender to his bail bonds within period of 3 months, which period appears to come to an end today.

3 Having considering the sentence imposed as aforesaid, and as the sentence imposed is found to be suspended by trial court, thereby granting time to surrender till today, following order is passed :

- i) Criminal Application No.548 of 2016 is party allowed and substantive sentence imposed upon applicant stands suspended.
- ii) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- with one surety in like amount.
- iii) While on bail, applicant shall mark his presence with Islampur Police Station, once in three months, on the first day of such months, pending revision.
- iv) Applicant shall produce proof of his residence to the Investigating Officer and update change in address, if any, in future, to the concerned police station.
- v) Criminal Application No.547 of 2016 is disposed of as allowed.
- vi) Applicant is at liberty to press Criminal Application No.548 of 2016 for suspension of conviction after he is provided legal aid advocate.

4 Stand over to **18th November 2016.**

(P. N. DESHMUKH, J.)