

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1294 OF 2016

IN

CRIMINAL APPEAL NO.688 OF 2016

GURUMITSINGH KUNDANSINGH BHATTI)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ajay Tripathi, Advocate for the Applicant.

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

CORAM : A. M. BADAR

DATE : 18th NOVEMBER 2016.

P.C. :

1 Heard learned counsel for the applicant / accused as well as the learned APP. Perused the order dated 27th October 2016 passed by this court. The applicant / accused has deposited the fine amount before the trial court.

2 The applicant / accused is convicted of the offences punishable under Section 3 of the M.P.I.D Act, 1999, as well as

under Section 420 of the IPC. He is sentenced to suffer simple imprisonment for 2 years and for 1 year respectively for those offences, apart from imposition of fine of Rs.5,000/- and Rs.1,000/- respectively.

3 Considering short sentence imposed upon the applicant / accused, there is no propriety in keeping him behind the bar till disposal of the appeal, as hearing of the appeal will take sometime. The learned APP is not in a position to state whether State has filed any appeal for enhancement of the sentence. In this view of the matter, following order :

- i) The application is allowed.
- ii) The substantive sentence of imprisonment is suspended during pendency of the appeal and the applicant is directed to be released on same bail with fresh bond.

4 The application is disposed of accordingly.

(A. M. BADAR, J.)