

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1575 OF 2015
IN
CRIMINAL APPEAL NO. 33 of 2016

Mr. Guruappa Narsing Ingle	...	Applicant
vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Uday P. Warunjikar, Advocate for the applicant.
Mr. S.K. Shinde a/w Mr. Y.M. Nakhwa for CBI.
Mr. S.S. Pednekar, APP, for the State.
Ms. A.A. Mane, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 14th March, 2016.

P.C.

This is an application under Section 389 of Cr.P.C. seeking suspension of sentence.

2. The applicant herein is original accused No.7 in CBI Special Case No.114 of 2001. By a judgment and order dated 25.6.2014, the learned Special Judge (CBI), Greater Bombay, has been pleased to convict the applicant for the offence punishable under Sections 419, 420, 467, 471 read with Section 120B of Indian Penal Code. The applicant has been sentenced to suffer R.I. for three years and fine of Rs.10,000/-, in default R.I. for one year for the offence punishable under Section 419 of IPC, the applicant is sentenced to suffer R.I. for five years and fine of Rs.30,00,000/- in default,

R.I. for one year for the offence punishable under Section 420 of IPC, he is also convicted for the offence punishable under Section 467 of IPC and sentenced to suffer R.I. for five years and fine of Rs.10,000/-, in default R.I. for one year, he is also convicted for the offence punishable under Section 468 of IPC and sentenced to suffer R.I. for five years and fine of Rs.10,000/- in default R.I. for one year and he is also convicted for the offence punishable under Section 471 of IPC and sentenced to suffer R.I. for five years and fine of Rs.10,000/- in default R.I. for one year vide judgment and order dated 25.6.2014 in CBI Special Case No.114 of 2001.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The applicant has been taken into custody on 25.6.2014. This Court is hearing appeals of the years 1996-97 and hence it may not be possible to take up the present matter for hearing in the near future. In view of this the applicant deserves to be enlarged on bail on payment of fine imposed upon him.

4. At this stage, the learned counsel for the applicant submits that the economic condition of the applicant may not enable him to deposit the fine amount. However, this Court is not inclined to suspend the sentence of fine. The learned counsel for the applicant also submits that the applicant is

not keeping good health and hence he has been admitted I the Jail hospital. Due to economic stringency, the applicant could not file the appea for more than 1-1/2 year.

5. The learned APP shall take instructions in this regard. However, as of today, this Court is inclined to enlarge the applicant on bail.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is suspended **subject to payment of fine**. He be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall report to the Court of Special Judge (CBI), Greater Bombay, once in six months.
- (iv) The learned APP to call for the health report of the applicant from the Nashik Road Central Prison, Nashik.

S.O. To 4.4.2016.

(SMT.SADHANA S.JADHAV, J.)