

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 15 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 3 OF 2017

XAVIER D'SOUZA., ... Applicant
Versus
STATE THR. POLICE INSPECTOR, OLD
GOA POLICE STATION AND ANR., ... Respondents

Mr. S. G. Dessai, Senior Advocate with Mr. A. V. Pavithran,
Advocate for the applicant.
Mr. P. Faldessai, Additional Public Prosecutor for the
respondents.

Coram:- C. V. BHADANG, J.

Date:- 13th January, 2017

P.C.

Heard the learned Senior Counsel for the applicant and the
learned Additional Public Prosecutor for the respondents.

2. The applicant has been convicted for the offences punishable
under Sections 143, 147, 447 and 326 of Indian Penal Code (IPC,
for short). For the offence punishable under Section 143 of IPC,
the applicant has been sentenced to suffer Simple Imprisonment
for a period of one month and to pay fine of Rs.500/- and in
default, to undergo further imprisonment of 7 days. For the
offence punishable under Section 147 of IPC, the applicant has
been sentenced to suffer Simple Imprisonment for a period of

two months and to pay fine of Rs.1,000/- and in default, to undergo further imprisonment for a period of 15 days. For the offence punishable under Section 447 of IPC, the applicant has been sentenced to suffer Simple Imprisonment for a period of 15 days and to pay fine of Rs.500/- and in default, to suffer imprisonment for 3 days and lastly, for the offence punishable under Section 326 of IPC, the applicant has been sentenced to suffer Simple Imprisonment for a period of 5 years and to pay fine of Rs.20,000/- and in default, to undergo imprisonment for a period of 6 months. The judgment of the conviction and sentence, as passed by the learned Assistant Sessions Judge, has been confirmed in appeal by the learned Additional Sessions Judge.

3. Admittedly, the applicants were all along on bail during the course of the trial and during the pendency of the appeal. In such circumstances, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment is suspended during the pendency of the Criminal Revision Application, on condition of the applicant executing a P.R. Bond in the sum of Rs.25,000/-, with one solvent surety in the like amount.
- (iii) The applicant shall deposit the amount of fine before the

learned Sessions Judge, within one week from today. If the amount of fine is not deposited, the order is liable to be recalled.

(iv) Bail bonds to be furnished before the learned Sessions Judge at Mapusa.

(v) Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA