

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.28 OF 2017

IN

CRIMINAL APPEAL NO.9 OF 2017

VIKRANT @ VICKY VIJAY NIKAM)...APPELLANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.V.V.Purwant i/b. Ms.Vrunda Surve, Advocate for the Applicant.

Mr.A.D.Kamkhedkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 10th JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and for releasing the applicant / accused on bail during pendency of the appeal.

2 Heard both sides and perused the impugned judgment and order of conviction recorded by the learned Additional Sessions Judge, Pune. The applicant / accused was acquitted of the offence punishable under Section 307 of IPC read with Section 34 of IPC as well as under Section 37(1) read with Section 35 of

the Maharashtra Police Act. He is, however, convicted of the offence punishable under Section 326 read with Section 34 of the IPC and is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.2,000/-, in default, to undergo further rigorous imprisonment for 3 months. The learned counsel for the applicant / accused makes a statement that this sentence is already suspended by the trial court.

3 Considering the fact that short sentence is imposed upon the applicant / accused and that there is no likelihood of the appeal being heard immediately in near future, as well as that the applicant / accused is convicted of the offence punishable under Section 326 read with Section 34 of the IPC, the application deserves to be allowed and therefore the order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon the applicant / accused is suspended and he is directed to be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in like amount.

(A. M. BADAR, J.)