

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.126 OF 2017

IN

CRIMINAL APPEAL NO.23 OF 2009

SHARAD SABAJI TAVHARE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Satyavrat Joshi, Advocate for the Applicant in Criminal Application No.126 of 2017.

Mr.Pawan Mali, Advocate for the Appellant in Criminal Appeal No.53 of 2009.

Mr.Vinod Chate, APP for the Respondent – State.

WITH

CRIMINAL APPEAL NO.53 OF 2009

CORAM : A. M. BADAR, J.

DATE : 18th SEPTEMBER 2017

P.C. :

1 This is an application for suspension of sentence during pendency of the appeal filed by the applicant / accused.

2 Heard the learned advocate appearing for the applicant / accused. He argued that the complainant, so also the shadow panch, had turned hostile and as such, there is no iota of evidence against the applicant / accused in order to establish demand and acceptance. The learned advocate argued that earlier application moved by the applicant / accused with the same prayer was withdrawn with a hope that appeal will be listed for final hearing. As it is not heard, the present application deserves consideration.

3 The learned APP opposed the application.

4 I have considered the rival submissions. The applicant / accused is convicted of offences punishable under Sections 7, 13(1) (d) read with 13(2) of the Prevention of Corruption Act. Whether there is sufficient evidence to convict him or not is a point which needs to be dealt at the final hearing of the appeal. After full fledged trial, the learned trial court came to the conclusion that the applicant / accused has committed the alleged offence.

5 In this view of the matter, the application is rejected.
However, the appeal be listed for final hearing after jail appeals.

(A. M. BADAR, J.)