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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL APPLICATION NO.279 OF 2017
(For Stay of Order)
IN
CRIMINAL APPEAL NO.145 OF 2017***

Sanjeev Kumar Dhar

...Applicant
(Orig. Accused No.1)

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.A.P.Mundargi, Senior Counsel, Mr.Jayant Bardeskar, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

Mr.H.S.Venegaonkar, Special Public Prosecutor, for the Respondent No.2-CBI.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks the following prayer:-
 - a) That the operative part of the Judgment and Order dated 31/01/2017 passed by the Special Judge (CBI ACB Cases)

Pune, in Special Case no.14 of 2007 directing the Applicant to deposit the fine amount of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) may be stayed during the pendency of the Criminal Appeal in the interest of justice.

3. Learned Senior Counsel for the applicant submitted that the fine amount of Rs.15 lakhs, imposed by the learned Special Judge (CBI-ACB Cases) Pune, is extremely harsh, unreasonable and unjustified. He submitted that the applicant is about 72 years of age and was suspended from the service in the year 1998. He submitted that the applicant is suffering from various ailments, i.e. heart disease and severe diabetes. He submits that the applicant has been implanted with a pacemaker. He submits that the applicant has a good case on merits and as such pending the hearing and final disposal of his appeal, the operative part of the impugned order, directing the applicant to deposit the fine amount of Rs.15,00,000/-, be stayed.

4. Perused the papers. The case is of 1998. The applicant is about 72 years of age and is suffering from various ailments. The Appeal has

been admitted by this Court (Coram : A.M.Badar,J.) vide order dated 2nd March, 2017. The applicant was under suspension since 1998.

5. In the peculiar facts of this case, the Application is allowed in terms of prayer clause 6(a).

6. Application is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)