

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.366 OF 2017
WITH
CRIMINAL APPLICATION NO.367 OF 2017
IN
CRIMINAL APPEAL NO.207 OF 2017**

Prakash Anil Shinde)...Applicant

V/s.
State Of Maharashtra & Anr.)...Respondents

Smt. K.H.Kamble, Advocate for the Applicant.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 15th MARCH, 2017.

P.C. :

These are the Applications for suspension of sentence and releasing the Applicant/Accused on bail during the pendency of the Appeal filed by him. The Applicant/Accused has been convicted of the offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. For the offence punishable under Section 7 thereof, he is sentenced to suffer RI for two years and on another count, he is sentenced to

suffer RI for two years apart from imposition of some fine. It is reported that fine amount has already been paid by the Applicant/Accused.

2 Heard learned Advocate appearing for the Applicant/Accused. She vehemently argued that sanction accorded for prosecuting the Applicant/Accused is without application of mind and evidence of the prosecution is lacunae as well as inconsistent. It is further argued that short sentence is imposed on the Applicant/Accused and, therefore, he is entitled to relief claimed.

3 The learned APP opposed the Application.

4 Considering the fact that short sentence of two years on each count is imposed on the Applicant/Accused and that in exercise of his power under Section 389(3) of Cr.P.C., the learned trial Court was pleased to suspend the sentence so imposed, the Applicant/Accused deserves relief as prayed. Hearing of the appeal will take its own time. As such, the order:

(1) The substantive sentence of
imprisonment imposed on the

Applicant/Accused is suspended and he is directed to be released on bail on executing PR bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(2) Both the Applications stand disposed of.

(A. M. BADAR, J.)