

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.511 OF 2017

IN

CRIMINAL APPEAL NO.303 OF 2017

Prakash Madhukar Gaikwad)...Appellant/Applicant

V/s.

State Of Maharashtra)...Respondent

Mr. Shashikant P. Chaudhari i/by Maharashtra Law Associates,
Advocate for the Appellant/Applicant.

Mr. Ameet Palkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 20th April, 2017.

P.C. :

This is an application 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 offence punishable under Section 454 of the IPC and under Section 135 of the Electricity Act, 2003. On both the counts, he is directed to undergo rigorous imprisonment for a period of three years apart from imposition of some fine and sentence in default.

2 The learned advocate appearing for the applicant-accused argued that flat no.307 is not in possession of the applicant-accused as on date and it is already seized. It is further argued that offences alleged are also not proved by the prosecution. The learned APP states that evidence on record establishes offences alleged against the applicant-accused.

3 I have considered the rival submissions and also perused the impugned judgment and order as well as material made available on record. Short sentence of 3 years has been imposed on the applicant-accused for the offence punishable under Sections 454 of the IPC and section 135 of the Electricity Act, 2003. The appeal will take its own time for hearing. It is seen that for considerable period, the applicant-accused was on bail during the course of the trial. In this view of the matter, the following order:

- (1) The application is partly allowed.
- (2) 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.

(3) The prayer for stay to the effect and
execution of the conviction is rejected.

(4) The application is accordingly disposed of.

(A. M. BADAR, J.)