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

***CRIMINAL APPLICATION NO.308 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.301 OF 2017***

Lakdari Swargavasant @Basant Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Arun Rajput I/b Ms.Anjali Patil, for the Applicant.

Mr.S.S.Pednekar, A.P.P for the Respondent-State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 26th SEPTEMBER, 2017***

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks suspension of his sentence, pending the hearing and final disposal of the aforesaid Revision Application.
3. The applicant alongwith other co-accused, vide Judgment and Order dated 22nd April, 2014, passed by learned Metropolitan Magistrate, Special Court for ITPA, 54th Court at Mazgaon, Mubmai, in Criminal Case

No.303/PW/2008, has been convicted and sentenced as under:-

- for the offence punishable under Section 3 of the Immoral Traffic (Prevention) Act, 1956, to suffer R.I for 3 years and to pay fine of Rs.2,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 4 of the Immoral Traffic (Prevention) Act, 1956, to suffer R.I for 2 years and to pay fine of Rs.1,000/- in default to suffer S.I. for 1 month;
- for the offence punishable under Section 7(1)(b) of the Immoral Traffic (Prevention) Act, 1956, to suffer R.I for 3 months.

(All the sentences were directed to be run concurrently.)

4. The said Judgment and Order was confirmed by the learned Additional Sessions Judge, Court Room No.43, Greater Bombay, in Criminal Appeal No.470 of 2014, vide Judgment and Order dated 23rd February, 2017.

5. Learned Counsel for the applicant states that the applicant was on bail, pending trial and pending Appeal. He submits that the applicant has not abused or misused the liberty granted to him. He further submitted

that similarly placed co-accused – Amanul Farukh Sayyed and Nandu Siddge Gauda have been enlarged on bail by this Court, vide order dated 24th April, 2017, pending the hearing and final disposal of their Revision Application No.214 of 2017.

6. Learned APP does not dispute the aforesaid.

7. Perused the papers. The Revision Application has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. It is not in dispute that the applicant was on bail pending trial and pending appeal and that he has not abused or misused the liberty granted to him.

8. Considering the aforesaid, the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of the aforesaid Revision Application, on the following terms and conditions :-

ORDER

(i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)