

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.990 OF 2017
IN
CRIMINAL APPEAL NO.599 OF 2017

Namdeo Malu Shinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sanjay Gaikwad for the Applicant.
Mr. P.H.Gaikwad Patil,APP for the State.

CORAM: SMT.ANUJA PRABHUDESSAI,J
DATED: 18th AUGUST, 2017

PC:-

1. The Applicant herein who has been convicted and sentenced for the offences punishable under Sections 7 and 13 (1)(2) of the Prevention of Corruption Act, in Special Case No.(ACB) No.13 of 2009, has filed this application for suspension of execution of substantive sentence of imprisonment.

2. Heard the learned Counsel for the Applicant and the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The Applicant herein has been sentenced to undergo maximum imprisonment of one year and fine of Rs.1,000/-. The learned Counsel for the Applicant has submitted that the Applicant has already deposited the fine amount. The record reveals that the Applicant was on bail during the trial. There is nothing on record to indicate that he had violated the terms and conditions of the bail. It is also to be noted that the sentence is of short term imprisonment of one year. A large number of old Appeals are pending before the Court and this Appeal is not likely to come up for final hearing during a couple of years. Hence, in the event, the execution of substantive sentence is not suspended, the Applicant will have to undergo entire sentence of imprisonment even before his Appeal is decided on merits.

4. Considering the above facts and circumstances, as well as the nature of the offence, in my considered view, this is a fit case for suspending the execution of sentence.

5. Hence, the Application is allowed. The execution of sentence imposed vide judgment against the applicant dated 11.5.2017 in Special Case No. 13 of 2009 is suspended till the final disposal of the Appeal subject to the Applicant furnishing bail bonds of Rs. 15,000/- (Rs. Fifteen Thousand Only) with surety to the like amount to the satisfaction of Sessions Judge-5 (ACB), Thane.

6. The Applicant shall furnish his contact number and permanent as well as local address, Contact number if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court;

(ANUJA PRABHUDESSAI, J)