

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

**CRIMINAL APPLICATION NO. 1054 OF 2017
IN
CRIMINAL APPEAL NO.912 OF 2014**

Ganesh Amrika Jaiswal & Anr.

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

.....
Mr.Niranjan Mundargi, Advocate for the Applicant.
Mjr.M.G. Patil, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JULY 28, 2017.

P.C. :

The applicants were convicted for the offences punishable under Sections 306 and 498A of IPC and were sentenced to imprisonment. The applicant had challenged the judgment of conviction dated 22nd November, 2014 by preferring criminal Appeal No.912 of 2014 before this Court.

2 By order dated 11th December, 2014, this Court had suspended the sentence of imprisonment awarded by the trial Court and the applicants were released on bail. It was directed that the applicant shall report to the Court of Additional Sessions

Judge, Greater Bombay once in six months on the date specified by the concerned Court. Upon failure to attend on two consecutive dates, the concerned Court shall inform the High Court forthwith and take appropriate action.

3 Apparently, the applicant did not comply the condition of attending the Sessions Court and non-bailable warrant was issued against both the applicants which was executed against applicant no.1. The applicant no.2 appeared before the trial Court alongwith applicant no.1 on 19th July, 2017 and on that date both of them were taken into custody.

4 Learned advocate for the applicant submits that there was a communication gap between the advocate representing the applicant and the applicant and on account of that the applicant did not attend the Court as directed by the aforesaid order.

5 Learned APP submitted that inspite of directions issued by the Court, the applicants had not bothered to attend the Sessions Court and no leniency should be shown to them.

6 The applicants have preferred an Appeal before this

Court. They were sentenced to 5 years and 3 years imprisonment, respectively. The sentence was suspended, the applicants were released on bail. In view of the above factual aspects one more opportunity can be given to the applicants by reviving the order. It is noted that applicant no.2 had preferred an application by appearing before the Court for cancellation of warrant. The maximum sentence imposed is of five years.

7 Hence, I pass the following order:

:: ORDER ::

- (i) The substantive sentence imposed upon the applicants is suspended and the applicants are directed to be released on bail pending their criminal Appeal No.912 of 2014, on the same terms and conditions as directed vide order dated 11th December, 2014, passed by this Court;
- (ii) The applicants are also directed to comply with condition no.(v) of order dated 11th December, 2014;

(iii) Criminal Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)