

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.452 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 447 OF 2016

Jayprakash Jinguri Maurya .. Applicant

vs

Statel of Maharashtra

.. Respondents

Mr.M.V.Khatavkar for Applicant

Ms.A.A.Takalkar APP for State

CORAM: A.M.BADAR, J

DATE: 27 JANUARY 2017

P.C.

1. This is an application for suspension of sentence and releasing the Revision Petitioner on bail during the pendency of the hearing of Revision Application filed by him which is already admitted on 3.8.2016.

2. Heard the learned Advocate for the Revision Petitioner/original accused. He argued that though the Applicant/Accused has been acquitted for all other offences alleged against him, he is ultimately convicted for offences under sections 33 and 36 of the Maharashtra Medical Practitioners Act,1961. It is argued that the Applicant has now

surrendered himself and he is not undergoing sentence. He was on bail during the pendency of the Appeal filed by him and he is the main accused. The learned APP opposed the Application by contending that considering the nature of the offences, he is not entitled to be released on bail.

3. I have carefully considered the submissions of the learned Advocate for the Revision Petitioner as also perused the impugned Judgment and order apart from the material produced on record. The appellate Court found that the Applicant practiced medicine. His name appears as a Medical Practitioner as per provisions of Maharashtra Medical Council Act 1961 and that without holding necessary qualifications recognised by the Maharashtra Medical Council of India. The applicant/Accused was on bail during the proceedings before the trial Court. He is now sentenced to suffer R.I. for two years and one year on both counts. Hearing of the Revision Petition will take its own time. A short sentence is imposed on the Applicant/accused and he was on bail. Therefore, the following order is passed:

O R D E R

1. Application is allowed. The sentence of imprisonment imposed on the Applicant/accused is suspended and he is directed to be released on P.R.Bond of Rs.15,000/- on his furnishing surety in the like amount with a condition that the Revision Petitioner shall not repeat the offences of the same nature in future.

(A.M.BADAR, J)

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