

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

**CRIMINAL APPLICATION NO.1136 OF 2017
IN
CRIMINAL APPEAL NO.664 OF 2017**

Sachin Kisan Yelwande ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms Meera Barge i/b. Mr. C.P. Sengaonkar for the Applicant.
Mr. P.S. Jadhav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th AUGUST, 2017.

P.C.:-

By this application the Applicant has sought to suspend the execution of substantive sentence in Special Case No.118 of 2015.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent- State. I have perused the notes of evidence and considered the submissions of the learned counsel for the respective parties.

3. The records reveal that the Applicant herein, who was the accused No.2 in said Special Case, has been convicted for offence punishable under Section 12 of the Prevention of Corruption Act,1988

and sentenced to undergo simple imprisonment for one year and to pay fine of Rs.8,000/- i/d. to undergo simple imprisonment for three months.

4. The averments made in paragraph 1 of the Appeal memo indicates that the Appellant has already deposited fine amount before the Trial Court vide receipt No.0332177 dated 6th July, 2017. The sentence is a short term imprisonment of one year. The appeal is of the year 2017. Considering the large pendency of the cases, the appeal is not likely to come up for final hearing in the next couple of years. Hence, rejection of prayer to suspend execution of substantive sentence will result the Applicant undergoing the imprisonment even before his Appeal is decided on merits. The Applicant was on bail during trial and there are no allegations of violation of terms and conditions of the bail. Considering the above facts and circumstance and also considering the nature of offence, following order is passed:-

ORDER

- (i) The Application is allowed in terms of prayer clause (B);
- (ii) The execution of substantive sentence in Special Case No.118 of 2015 is suspended till the disposal of the

Appeal on merits on the Applicant furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety to the like amount to the satisfaction of the learned Special Judge (under P.C. Act), Greater Mumbai;

- (iii) the Applicant shall furnish his contact number and permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court.

(ANUJA PRABHUDESSAI, J.)