

nsc.

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

***CRIMINAL APPLICATION NO.476 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.486 OF 2017***

Rajendra Popat Mahadik	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Tapan Thatte, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th SEPTEMBER, 2017

P.C. :

1. At the outset, learned counsel for the applicant seeks leave to amend the application. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. The applicant vide Judgment and Order dated 16th February,

2013, passed by learned Judicial Magistrate First Class, A/C Court, Pune in R.C.C.No.1031/2010, has been convicted and sentenced as under:-

- for the offence punishable under Section 454 of Indian Penal Code, to suffer R.I for 3 years and to pay fine of Rs.5000/- in default to suffer further R.I. for 9 months;
- for the offence punishable under Section 457 of Indian Penal Code, to suffer R.I for 3 years and to pay fine of Rs.5000/- in default to suffer further R.I. for 9 months;
- for the offence punishable under Section 380 of Indian Penal Code, to suffer R.I for 3 years and to pay fine of Rs.5000/- in default to suffer further R.I. for 9 months.

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

4. The said Judgment and Order was confirmed by the learned Additional Sessions Judge, Pune, in Criminal Appeal No.144 of 2013, vide Judgment and Order dated 17th August, 2017.

5. Learned Counsel for the applicant states that the applicant was on bail, pending trial and pending appeal, and that he has not abused or

misused the liberty granted to him. He submitted that at the highest the applicant will be liable for the offence punishable under Section 411 of the Indian Penal Code and not the other Sections for which he has been convicted.

6. 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. The sentence awarded is a short term sentence. The applicant has already undergone more than one year of sentence.

7. 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.25,000/- with one or two sureties in the like amount.

ii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

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

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

(REVATI MOHITE DERE, J.)