

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

**CRIMINAL APPLICATION NO.1366 OF 2017
IN
CRIMINAL APPEAL NO.809 OF 2017**

Satish Loku Poojari ...Applicant

Versus

CBI ACB Mumbai & Anr. ...Respondents

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Mr. Vijay N. Shirgaonkar for the Applicant.

Mr. H.S. Venegaonkar for the Respondent No.1-CBI.

Mr. H.J. Dedhia, APP for the Respondent No.2-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th OCTOBER, 2017.

P.C.:-

By this application, the Applicant, who was accused in CBI Special Case No.37 of 2012 has sought suspension of sentence imposed vide judgment dated 8th August, 2017 whereby the learned Special Judge (CBI), Court Room No.53, Gr. Bombay convicted the Applicant for offence under Section 7 of the Prevention of Corruption Act, 1988 (for short 'PC Act') and sentenced him to suffer RI for a period of six months and to pay fine of Rs.100 i/d. RI for a further period of fifteen days and for offence punishable under Section 13(1) (d) r/w Section 13(2) of the PC Act for a period of one year and to pay fine of Rs.200/- i/d. to undergo RI for further period of fifteen days.

2. Heard Mr. Shingnapurkar, the learned counsel for the Applicant and Mr. H.S. Venegaonkar, the learned Special PP for the Respondent No.1-CBI.

3. The records reveal that the Applicant has been sentenced to undergo short term imprisonment of one year. The Appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases. Hence, rejection of the application will result in the Applicant undergoing the sentence of imprisonment even before the Appeal is heard on merits. The Applicant was on bail during pendency of the Appeal. There is nothing on record to show that the Applicant had violated the terms and conditions of the bail. Furthermore, considering the nature of the offence as well as the evidence in support thereof, in my considered view this is a fit case to suspend the execution of sentence pending the disposal of the Appeal on merits. Hence, the order:-

(i) The application is allowed;

(ii) Execution of sentence imposed vide judgment dated 8th August, 2017 in CBI Special Case No.37 of 2012 is suspended till disposal of the Appeal on merits. The

bail bonds furnished before the Special Court after conviction shall continue till the disposal of the appeal on merits.

4. The Criminal Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)