IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1371 OF 2017
in
CRIMINAL APEAL NO. 814 OF 2017

Neelkanth Vinayak Kukade ..Applicant/Appellant

v/s.

The State of Maharashtra ..Respondent

Mr. Sachin Deokar i/b. Ergo Juris for the Appellant/ Applicant.
Mr. S.V.Gavand APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 03, 2017.

P.C.

1. By this application, the applicant herein has sought suspension of sentence imposed on him vide Judgement and Order dated 20th August, 2017 in Special Case (NDPS) No.1 of 2012 passed by the learned Special Judge (NDPS), Raigad, Alibag.

2. Heard learned Counsel for the applicant and the learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsel for the respective parties.

3. The case of the prosecution was that the applicant, accused no.1 in Special Case No. 1 of 2012 was found possessing Charas . He was therefore charged for committing Offence under Section 8(c)

punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as NDPS Act). The learned Special Judge, after considering the evidence on record has held the accused guilty and sentenced him to suffer rigorous imprisonment for three years and to pay fine of Rs.15,000/- in default to undergo S.I. for six months.

4. The learned Counsel for the applicant submits that the applicant has already deposited the fine amount on 29th August, 2017.

5. The applicant has been sentenced to undergo short term imprisonment of three years. 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 cases. Hence, rejection of the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

6. The applicant was on bail during pendency of trial. The learned Counsel for the applicant submits that the sentence has been suspended by the learned Special Judge. The applicant is present before the Court.

7. Considering the above facts, so also the nature of the offence, and the evidence in support thereof, in my considered view, this is a

fit case for suspending execution of sentence, pending disposal of the appeal. Hence the Order.

(a) The application is allowed in terms of prayer clause (b).

(b) The execution of sentence imposed by the learned Special Judge (NDPS) Raigad-Alibag vide judgment dated 28th August, 2016 in Special Case (NDPS) No.01/ 2012 is suspended till final disposal of the appeal on merits, subject to the applicant furnishing fresh bail bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned Special Judge, Raigad-Alibag.

(c) The applicant shall furnish his contact number, and local as well as permanent address to the Investigating Officer, as well as in the fresh bail bonds.

. Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)