

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

**CRIMINAL APPLICATION NO. 1377 OF 2017
IN
CRIMINAL APPEAL NO. 822 OF 2017**

Harish K. DeshpandeApplicant
Versus
Central Bureau of Investigation & Ors.Respondents

**WITH
CRIMINAL APPLICATION NO. 1378 OF 2017
IN
CRIMINAL APPEAL NO. 823 OF 2017**

K.K. SrinivasanApplicant
Versus
Central Bureau of Investigation & Ors.Respondents

**WITH
CRIMINAL APPLICATION NO. 1379 OF 2017
IN
CRIMINAL APPEAL NO. 824 OF 2017**

Pramod Vasand ShastriApplicant
Versus
Central Bureau of Investigation & Ors.Respondents

Mr. Satyavrat Joshi for the applicant in all the applns.
Mr. H.S. Venegaonkar for CBI in all the applns.
Mr. H.J. Dedhia, APP for Respondent-State in APEAL 824 of 2017
Mr. S.R. Shinde, APP for Respondent-State in APEAL 823 of 2017
Mr. Vinod Chate, APP for Respondent-State in APEAL 822 of 2017

***CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 09th OCTOBER, 2017***

P.C. :

1. The applicants herein were accused nos.1, 2 and 3 in Special (CBI-ACB) Case No.38/2004 on the file of Special Judge, CBI (ACB), Pune. By these applications, the applicants herein have sought suspension of execution of sentence imposed vide judgment dated 16th September, 2017 in the said case and have prayed for release on bail.

2. Heard the learned counsel for the applicants, Respondent No.1-CBI and the learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. By the judgment dated 16th September, 2017, the applicants were convicted for offences as under :-

(i) Applicant No.1 was convicted for offence punishable under Section 120-B of Indian Penal Code and sentenced to suffer rigorous imprisonment for one and half year and for the offence punishable under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act and to suffer rigorous imprisonment for one and half year and to pay fine of Rs.25,000/- in default to suffer further imprisonment for three months ;

ii) Applicant No.2 was convicted for offence punishable under Section 120-B of Indian Penal Code and sentenced to

suffer rigorous imprisonment for one and half year and for the offence punishable under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for one and half year and to pay fine of Rs.25,000/- in default to suffer further imprisonment for three months ;

(iii) Applicant No.3 was convicted for offence punishable under Section 120-B of Indian Penal Code and sentenced to suffer rigorous imprisonment for one and half year and for the offence punishable under Section 13(2) read with 13(1)(d) of Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for one and half year and to pay fine of Rs.25,000/- in default to suffer further imprisonment for three months.

4. The records reveal that the applicants have been sentenced to undergo short term imprisonment of one and half 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 old cases. Hence, rejection of the application will result in the applicants undergoing the sentence of imprisonment even before the appeal is heard on merits.

5. The learned counsel for the applicants submits that all the three accused have deposited fine of Rs.25,000/- each before the Special Court. The applicants were on bail during the pendency of the Special (CBI-ACB) Case No.38/2004. There is nothing on record to indicate

that the applicants have violated the terms and conditions of the order.

6. Considering the aforesaid facts, as well as the nature of allegations levelled against the applicants, 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 Criminal Applications No. 1377, 1378 and 1379 of 2017 are allowed.

(II) The execution of sentence imposed in Special (CBI-ACB) Case No.38/2004 vide judgment dated 16th September, 2017 is suspended till disposal of the appeal on merits, subject to the applicants furnishing fresh bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of Special Judge, CBI (ACB), Pune.

(III). The applicants shall furnish their permanent as well as temporary address, if any, and their contact number and shall intimate change of address and contact number, if any, to the Investigating Officer, as well as to the concerned Court.

(IV). All concerned to act on an authenticated copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)