

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.521 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 531 OF 2017
WITH
CRIMINAL APPLICATION NO.522 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 531 OF 2017**

Vinod Hiralal Singhavi ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

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Mr.V.V.Ugle, for the applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 1st NOVEMBER 2017.

P.C. :

1. The learned advocate appearing for the applicant makes a statement on instructions that the applicant has surrendered himself before the Additional Chief Judicial Magistrate, Pune today.

2. These applications are for suspension of sentence and releasing the applicant/accused on bail during the pendency of the revision petition filed by him.

3. Heard, the learned advocate appearing for the applicant/accused and perused the impugned judgment and order of the learned Additional Sessions Judge, Pune in Criminal Appeal No.375 of 2011 thereby confirming the conviction and the resultant sentence imposed on the applicant/accused for the offence punishable under Section 411 of the Indian Penal code. The applicant/accused is sentenced to suffer R.I for two years apart from payment of fine of Rs. 500 for the said offences. In default of payment of fine he is directed to undergo simple imprisonment for three months.

4. The charge against the present applicant was to the effect that he had purchased the stolen property i.e. jewelery from accused No. 1 to 3 knowing it to be stolen or having reason to believe the same to be stolen. Perusal of judgment and orders Court below prima facie does not reflect that there was evidence to the effect that the present applicant had purchased the stolen

property knowingly or with a reason to believe the same to be the stolen property. The revision petition filed by the present applicant is being considered by this Court. It is well settled that carelessness on the part of the accused does not make him liable for the Penal consequences of Section 411 of the Indian Penal Code. The word '*believe*' used in section 411 of the Indian Penal Code indicates that it is necessary to point out the circumstances and those circumstances must be as such that any reasonable man would have been convinced that the property in which he is dealing is a stolen property.

5. In this view of the matter, the following order.

ORDER

- i) Both the applications are allowed.
- ii) Substantive sentence imposed on applicant/accused, Revisional Petitioner is suspended and he is directed to be released on executing PR bond of Rs.15,000/- and on furnishing surety in the like amount.

(A.M.BADAR J.)