

**CRIMINAL APPLICATION NO.1502 OF 2017
IN
CRIMINAL APPEAL NO.901 OF 2017**

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punishable under Sections 255, 258, 259, 260 and 417 r/w. 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1,000/- each.

4. The learned counsel for the Applicants has submitted that the Applicants have already deposited the fine amount before the Sessions Court, Greater Bombay. It is seen that the Applicants were on bail during the pendency of trial and have not violated the terms and conditions of the bail.

5. By the impugned judgment, the Applicants have been sentenced to undergo a short term imprisonment for a period of one year. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for final hearing in the next couple of years. Rejecting the prayer for suspension of sentence, pending disposal of the Appeal, will result in the Applicants undergoing the entire term of imprisonment even before their Appeal is heard on merits. Considering the above facts and circumstances this is a fit case for suspension of execution of substantive sentence pending hearing and final disposal of the Appeal. Hence, following order is passed :-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed on the Applicants vide judgment dated 3rd October, 2017 in Sessions Case No.598 of 2011 by the Special Judge(CBI) and Additional Sessions Judge, Court Room No.53, Greater Bombay, is suspended till the final disposal of the Appeal subject to the Applicants furnishing bail bonds of Rs.10,000/- (Rupees Fifteen Thousand only) each with one surety to the like amount to the satisfaction of the Sessions Court, Greater Bombay;
- (iii) The Applicants shall furnish their contact numbers and permanent as well as local addresses, if any, and shall intimate change of addresses, if any, to the Investigating Officer, as well as to the concerned Court.

(ANUJA PRABHUDESSAI, J.)