

Sunil Gangaram Mohite ...Applicant
Versus
The State of Maharashtra ...Respondent

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CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th NOVEMBER, 2017.

P.C.:-

The Applicant herein was an accused in Special Case No.7 of 2016. By judgment dated 13th November, 2017 learned Judge, Special Court, Ratnagiri has held him guilty of offence punishable under Sections 7, 13(1)(d) r/w. 13(2) of Prevention of Corruption Act, 1988 and sentenced him to undergo imprisonment for a term of four years and to pay total fine of Rs.2000/- in respect of each offences under Sections 7 and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act.

2. The Applicant has challenged the said conviction in the Appeal and by this application has sought to suspend the execution of

sentence and his release on bail pending hearing of the Appeal.

3. Heard Mr. Rakesh Bhatkar, learned counsel for the Applicant and Mr. Prashnt Jadhav, learned APP for the Respondent -State. Perused the records.

4. By the impugned judgment, the Applicant has been sentenced to undergo short term imprisonment for a period of four years. The Appeal is of the year 2017. Considering the large pendency 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 Applicant undergoing the entire term of imprisonment even before his appeal is heard on merits. The Applicant was on bail during the pendency of trial and there is nothing on record to indicate that he had violated the terms and conditions of the bail.

5. Considering the above circumstances, in my considered view this is a fit case for suspension of execution of sentence pending hearing of the Appeal and to release the Applicant on bail. Hence, following order is passed:-

- (I) Application is allowed.
- (II) The execution of substantive sentence imposed on the Applicant vide judgment dated 13th November, 2017 in Spl. (Child) Case No.7 of 2016 by the learned Judge, Special Court, Ratnagiri is hereby suspended pending hearing of the Appeal subject to the Applicant furnishing bail bonds of Rs.20,000/- with one or two sureties to the like amount to the satisfaction of learned Judge, Special Court, Ratnagiri.
- (III) The Applicant shall furnish his contact number as well as permanent and temporary address, if any, and shall intimate change of address, if any, to the Investigating Officer and to the concerned Court.

(ANUJA PRABHUDESSAI, J.)