

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.743 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.696 OF 2016

Jayprakash Motichand Shah)...Applicant

V/s.
State OF Maharashtra)...Respondent

Mr. Jahangir M. Khajatia and Jayant Gaikwad, Advocates for the Applicant.

Mr. P.H.Gaikwad-Patil, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 11th JANUARY 2017.

P.C. :

This is an application for suspension of sentence and releasing the accused-applicant on bail during the pendency of the revision application before this Court.

2 Heard learned counsel appearing for the
accused/applicant. He argued that short sentence of 15 days is imposed upon the applicant-accused who is old aged person. The learned APP opposed the application by contending that conviction and sentence imposed upon the applicant-accused is

confirmed even by the Appellate Court.

3 Perused the impugned judgment and order by the appellate Court confirming judgment of conviction and sentence imposed upon the applicant-accused by the learned Metropolitan Magistrate, 51st Court, Kurla, Bombay. The applicant-accused is stated to be 73 years of age. He is sentenced to suffer SI for 15 days apart from payment of fine amount of Rs.5,000/-. It is seen that the applicant-accused has already deposited the fine amount. Considering the short sentence imposed upon the applicant-accused, his age as well as nature of offence alleged against him, application needs to be allowed and, therefore, the order:

- (1) Application is allowed.
- (2) Sentence imposed upon the applicant-accused by the learned Metropolitan Magistrate, 51st Court, Kurla, Bombay vide judgment and order dated 15.2.2014 in case bearing no.135/PS/2006 and confirmed by the Additional Sessions Judge, Greater Bombay in Criminal Appeal NO.200 of 2014 is suspended till disposal of the present revision application. The Applicant-accused is directed to be released on bail on

executing PR bond in the sum of Rs.15,000/-
and on furnishing surety in the like amount.
Till the applicant-accused furnishes the
surety within a period of four weeks from
today, he be released on depositing cash
security of Rs.15,000/-.

4 Parties to act upon an authenticated copy of this order.

(A. M. BADAR, J.)