

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL REVISION APPLICATION NO.135 OF 2016

Shri Gajanan s/o Vikram Gose

..VS..

State of Maharashtra, through A.P.P. Gondia, Tahsil and District Gondia

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri A.Y. Sharma, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the non-applicant/State.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 29, 2017.

Heard.

RULE.

Call record and proceedings.

Criminal Application (APPR) No.100 of 2017

This is an application for suspension of substantive jail sentence and for grant of bail.

The applicant was convicted by learned Judicial Magistrate First Class, Tiroda for the offence punishable under Section 65(e) of the Bombay Prohibition Act, 1949 and he was sentenced to suffer rigorous imprisonment for 3 years. According to the prosecution case, the applicant was having

possession of 3 liters Mouwa Liquor.

The criminal appeal, carried by the present applicant bearing Criminal Appeal No.44 of 2013, was dismissed by learned Sessions Judge, Gondia on 11.9.2015 and confirmed the judgment of learned Magistrate.

The applicant was taken into custody after appeal was dismissed on 11.9.2013 and since then he is in jail. The sentence imposed upon the present applicant is of 3 years. Thus, almost half sentence the present applicant has already suffered

In that view of the matter and looking to the quantum of Mouwa Liquor, which was found in possession of the present applicant, I see no reason as to why I should not exercise my discretion in favour of the present applicant by suspending substantive jail sentence and releasing the applicant on bail.

Hence, I allow the present application.

The substantive jail sentence imposed upon the applicant shall stand suspended during the pendency of the present revision.

The applicant be released on bail on he executing a P.R. Bond of Rs.500/- with one solvent surety in the like amount.

The present applicant to remain personally

present before this Court at the time of final hearing.

The criminal application is disposed of.

JUDGE

!! BRW !!