

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

CRIMINAL APPEAL NO. 307 OF 2017

WITH

CRIMINAL APPLICATION (APPA) NO. 520 OF 2017

(Limbaji S/o Daulatrao Shelke..vs..State of Maharashtra, through DYSP(ACB) Chandrapur)

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

Court's or Judge's orders.

Shri Rajnish Vyas, Advocate for appellant-applicant.
Shri Damle, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 17 , 2017

Heard learned advocate for appellant-applicant.

Admit.

The learned A.P.P. waives the service of notice on
behalf of respondent-non-applicant.

MISC.CRIMINAL(APPA) APPLICATION NO.520 OF 2017

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

Heard learned counsel for applicant and learned
A.P.P. for State.

The applicant is convicted by Special Judge,
Chandrapur on 15/6/2017 in Special (ACB) Case No.11/2004
by which learned Court below convicted the applicant for the
offence punishable under Section 7 of the Prevention of
Corruption Act, 1988 and on that count he is sentenced to
suffer R.I. for two years and to pay fine of Rs. 10,000/- and in

default of payment of fine amount further to suffer S.I. for four months. He is also convicted for the offence punishable under Section 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988 and on that count he is directed to suffer R.I. for three years and to pay fine of Rs. 12,000/- and in default of payment of fine further to suffer S.I. for five months.

The learned counsel for applicant submits that the fine amount is already deposited. He also submitted that after the judgment and order of conviction passed on 15/6/2017 the learned Court below has suspended the jail sentence in order to approach the applicant before this Court. He also submits that during the pendency of the trial the applicant was on bail and at no point of time he has misused the liberty of bail granted to him.

All statements are accepted.

Looking to the quantum of jail sentence and in view of the fact that in near future it will not be possible to take this appeal for final hearing, I pass the following order.

ORDER

- I) Criminal Application No.520/2017 is allowed.
- II) The substantive jail sentence imposed upon the applicant in Special (ACB) Case No.11/2005 by learned Special Judge, Chandrapur dated 15/6/2017 shall remain suspended during the pendency of the appeal.

- III) The applicant-appellant be released on bail on his executing fresh bail bonds of same amount.
- IV) The applicant shall remain present personally before this Court at the time of final hearing of this appeal.
- V) With this the application is disposed of.

JUDGE

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