

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

CRIMINAL APPEAL NO. 342 OF 2017

WITH

CRIMINAL APPLICATION (APPA) NO.578 OF 2017

(Ashok Ghularam Kale..vs..The State of Maharashtra, through PSO.PS.Brahmapuri,District-
Chandrapur, prosecution launched by Dy.S.P.(ACB)Chandrapur)

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

Court's or Judge's orders.

None for the appellant.

Smt. M.H.Deshmukh, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 27, 2017

None for the appellant.

Admit.

The learned A.P.P. for State waives the service of
notice on behalf of State.

CRIMINAL APPLICATION (APPA) NO.578 OF 2017

None for the applicant.

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

The applicant is convicted by the learned Special
Judge, Chandrapur in Special (ACB) Case No.08/2007 on
6/7/2017 by which the applicant is convicted for the offence
punishable under Section 7 of the Prevention of Corruption
Act, 1988 and for that he is directed to suffer R.I. for 18
months and to pay a fine of Rs.5000/- and in default of
payment of fine amount further to suffer R.I. for two months.

The applicant is also convicted for the offence punishable under Section 13(1)(b) r/w Section 13(2) of the Prevention of Corruption Act, 1988 and on that count he is directed to suffer R.I. for 26 months and to pay a fine of Rs. 7000/- and in default of payment of fine further to suffer R.I. for three months. He is also convicted for the offence punishable under Section 201 of the Indian Penal Code and on that count he is directed to suffer R.I. for 15 months and to pay a fine of Rs. 3000/- and in default of payment of fine amount further to suffer R.I. for one month.

The record shows that after passing of the impugned judgment an application for suspension of jail sentence was moved before the Court below and the said application is at Exh.51 on the record of the learned Court below. The learned Special Judge on the very same day suspended the substantive jail sentence subject to payment of fine amount and release the applicant on bail of P.B. of Rs. 15000/-.

The applicant was on bail during trial.

Looking to the quantum of the jail sentence and looking to the fact that the applicant is already released by the learned Judge of the Special Court, the present application is allowed. The substantive jail sentence imposed upon the applicant by learned Special Judge stands suspended during the pendency of the present appeal.

The applicant be released on bail on his executing fresh P.B. and S.B. of the same amount.

The Court below is directed to ensure that the entire fine amount is already paid.

The applicant to remain present personally before this Court at the time of final hearing.

With this, the application is disposed of as allowed.

JUDGE

Kitey