

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO. 628/2017

IN

CRIMINAL APPEAL NO. 367/2017

(Shrikant s/o Vishnu Rathod vs. The State of Maharashtra)

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

Court's or Judge's order

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Mr. Abhay Sambre, Advocate for the applicant
Ms. Shamsi Haider, APP for respondent

CORAM : MRS. SWAPNA JOSHI, J.

DATED : 28th August, 2017.

By this Application, the applicant prays for suspension of jail sentence imposed upon him by the learned Additional Sessions Judge-4 & Special Judge, Chandrapur, dated 31st July, 2017 in Special ACB Case No.2/2009.

The applicant was convicted for the offence punishable under section 12 r/w.s. 7 and 13 of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for six months and to pay a fine of Rs. 5000/-, in default, to suffer RI for two months.

I have heard the counsel for the respective parties.

The applicant was on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial court has suspended the jail sentence and the applicant was released on bail.

In view of the above facts, considering the nature of offence and the fact that it would not be possible to take up the hearing of

the appeal finally by this Court in the near future, due to pendency of old matters, the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 628/2017 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Additional Sessions Judge-4 & Special Judge, Chandrapur in Special ACB Case No.2/2009 dated 31.07.2017 shall remain suspended during the pendency of the present Appeal.
- 3) The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.
- 5) The applicant shall remain personally present before this court at the time of final hearing of the Appeal.

The Application stands disposed of.

JUDGE

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