

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 245 OF 2018
IN
CRIMINAL APPEAL NO. 58 OF 2018

SHAILESH @ SHAILU NAIK., ... Applicant

Versus

STATE, THR. P.P., ... Respondent

Shri S. Shet, Advocate for the applicant.
Shri P. Faldessai, Additional Public Prosecutor for the
respondent.

Coram:- C. V. BHADANG, J.

Date:- 28th August 2018

P.C.

This is an application for suspension of sentence.

2. The applicant (the accused no.1) along with the accused no.2 (since dead) were put on trial for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (IPC). The learned Sessions Judge, by a judgment and order dated 23/07/2018, has acquitted the applicant from the offence punishable under Section 302 of IPC. However, the applicant has been convicted for the offence punishable under Section 323 of IPC and has been sentenced to suffer Rigorous Imprisonment for six months and to pay fine of Rs.1,000/- and in default, to undergo Simple Imprisonment for one month. The applicant was on bail during the course of the trial.

3. The Criminal Appeal challenging the conviction has already been admitted. In such circumstances and on hearing the learned Counsel for the applicant and the learned Additional Public Prosecutor, following order is passed :

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence of imprisonment is hereby suspended, pending the disposal of the appeal, on condition of the applicant furnishing a P.R. Bond in the sum of Rs.25,000/- along with one solvent surety in the like amount and on deposit of the fine within one week, if not already deposited.
- (iii) Bail bonds to be furnished and fine to be deposited before the learned Sessions Judge.

C. V. BHADANG, J.

SMA