

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.269 OF 2018

IN

CRIMINAL REVISION APPLICATION NO. 284 OF 2018
Hemant T. Memane vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amey Deshpande for the Applicant.

Mr. Vinod Chate, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 24th May, 2018

P.C.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in RCC No. No.51/2010.

2. Heard Shri. Deshpande, learned counsel for the applicant and the learned APP for the State.

3. The applicant is convicted under Section 363 read with of the Indian Penal Code and is sentenced to suffer maximum rigorous imprisonment for three years and to pay a fine of Rs.4000/-, in default of payment of fine to further under go simple imprisonment for one month by

the Judicial Magistrate First Class, Shirala in RCC No. 51/2010 by its Judgment and Order dated 9.9.2014. The Criminal Appeal No.67/2014 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Islampur by its Judgment and Order dated 10.5.2018. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court.

4. As the maximum sentence imposed upon the applicant is three years of rigorous imprisonment and the possibility of revision being heard on merits in near future is remote, I am inclined to suspend the substantive sentence and to release the applicant on bail.

Hence, the following order.

- a) During the pendency of the present revision, the substantive sentence imposed upon the applicant is suspended.
- b) During the pendency of the revision, the applicant be released on bail in RCC No.51/2010 on his furnishing PR bond of Rs.25,000/- with one or two solvent local

sureties in the like amount.

- c) After his release from Jail, the applicant shall mark his presence before the Trial Court on every first Monday of the month between 11.00 a.m. to 2.00p.m. for a period of one year from his actual release from Jail. If the said first Monday is Court holiday/public holiday the applicant shall mark his presence on immediate next day.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)