

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1990 OF 2018
IN
CRIMINAL APPEAL NO. 1479 OF 2018

Manisha Deepak Ghivare.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe, advocate applicant.

Mr. S.S. Pednekar, APP for respondent-State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 7, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908. The applicant herein is convicted for the offence punishable under section 7 and 13(1)(d) of the Prevention of Corruption Act, 1988 by the Special Judge, Under Prevention of Corruption Act, Solapur vide Judgment and Order dated 27/11/2018 in Special (ACB) Case No. 8 of 2007 and sentenced to suffer R.I. for 2 years and to pay fine of Rs. 25,000/- I.d. to suffer R.I. for 2 months for both sections. Both the sentences are to run concurrently.

Talwalkar

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon her. The fine amount is paid. It is also submitted that since the applicant was on bail during the trial, the substantive sentence imposed upon the applicant vide Judgment and Order dated 27/11/2018 has been suspended for the appeal period. Since it is a short term sentence imposed upon the applicant, in view of the Judgment of the Hon'ble Apex Court in the case, Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130, the applicant deserves extension of same relief during the pendency of the appeal. However, it is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.

4 Hence following order is passed :

ORDER

(i) This application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 27/11/2018 by the Special Judge, Under the Prevention of Corruption Act, Solapur is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall mark her presence before the Special

Talwalkar

Judge, under Prevention of Corruption Act, Solapur once in 6 months on the date assigned by the learned Special Judge, Solapur. Upon failure to attend any two consecutive dates, the Special Judge, Solapur shall report the same to the High Court and the prosecution is at liberty to file application for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]