

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.17 OF 2018**

Prashant Vithal Sherigar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

.....
Mr.Shantanu R. Phanse, Advocate for the Applicant.
Ms.V.S. Mhaispurkar, APP for the Respondent - State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 15, 2018.

P.C. :

This is an application for suspension of sentence imposed by the trial Court by learned Chief Judicial Magistrate, Satara vide judgment and order dated 7th October, 2009, passed in RCC No.92 of 2009. The applicant has been sentenced to suffer imprisonment for a period of six months for an offence punishable under Section 7(iii) read with Rule 50 of the Prevention of Food Adulteration Act Rules, 1955 read with Rule 5 of the Maharashtra Prevention of Food Adulteration Rules, 1962 read with Section 16 of the Prevention of Food Adulteration act, 1954. The applicant was implicated as accused no.1.

2 Learned advocate for the applicant submits that the applicant is not the owner of the hotel premises and he was only working in the said hotel. The accused were also convicted for not having appropriate licence for conducting the hotel business for which the applicant cannot be held liable. It is further submitted that the panchas has not supported the prosecution case. Learned APP opposed the application for suspension of sentence. It is submitted that there is a concurrent finding by the trial Court as well as the Appellate Court and, therefore, the application may be rejected.

3 Considering the submissions advanced by the applicant, at the instance of applicant and considering the fact that applicant was on bail during the trial as well as during the pendency of Appeal and taking into account that the applicant has awarded imprisonment of six months, the application for suspension of sentence can be allowed.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Pending the Revision Application, the sentence of imprisonment imposed by the Chief Judicial

Magistrate, Satara in R.C.C.No.92 of 2009, which is confirmed by the Sessions Judge, Satara in Criminal Appeal No.111 of 2009 vide judgment and order dated 4th December, 2017, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (ii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)