

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.111 OF 2018

IN

CRIMINAL APPEAL NO.47 OF 2018

Tejas Rajendra Jadhav ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Jayant J. Bardeskar, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 24th JANUARY 2018.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him.

2 The applicant/accused is convicted of the offence punishable under Section 307 read with Section 34 of the Indian Penal Code and is sentenced to suffer simple imprisonment for one year apart from imposition of fine of Rs.10,000/-.

3 Heard the learned Advocate appearing for the applicant/accused. He argued that the substantive sentence of imprisonment has already been suspended by the learned trial Court in exercise of provisions under Section 389 of the Code of Criminal Procedure and the appeal may not be heard within one year.

4 The learned Additional Public Prosecutor opposed the application.

5 I have carefully considered the rival submissions and also perused the impugned Judgment and Order as well as copies of depositions of prosecution witnesses.

6 For imposing sentence of one year to the applicant/accused, the learned trial Court has given adequate reason in paragraph 28 of its Judgment and Order which is impugned in this appeal. Case of the present applicant is totally distinguishable from the case of co-accused. The substantive sentence is only for one year and the same has been suspended by the learned trial Court. In this view of the matter, as the appeal is not likely to be heard within one year, the following order :

(i) The application is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicant/accused Tejas Jadhav is suspended and he is directed to be released on bail in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(iii) The application is disposed of accordingly.

(A.M.BADAR J.)