

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.80 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.90 OF 2018

Sandeep Sakharam Dahiwalkar .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Dilip Baburao Shinde, Advocate for the applicant.

Mrs.Neeta S. Jain, APP for the Respondent State.

CORAM : PRAKASH D. NAIK, J.

DATED : 13th FEBRUARY 2018

P.C. :

1. This is an application for suspension of sentence and grant of bail.

2. The revision applicant has been convicted for offence under Section 427 of the Indian Penal Code, 1863. He is sentenced to suffer simple imprisonment for six months and was directed to pay fine of Rs.2,000/-. Appeal preferred by the applicant has been dismissed vide judgment and order dated 31st January 2018.

3. It is submitted that the applicant/accused was operating the ATM card and during the process, his ATM card was struck in the ATM machine and he was trying to retrieve the same. The statement of PW-2 and PW-3 was recorded after two months.

There is no report about any damage caused to the ATM machine. The applicant was acquitted of the offence under Section 379 r/w Section 511 of the Indian Penal Code.

4. Learned APP submits that there is concurrent finding of two Courts. The accused had caused damage to the ATM machine. There is evidence to establish the charge against the applicant.

5. The applicant was on bail during the trial and also during the pendency of appeal. It is submitted that there are no antecedents against the applicant. The applicant is in custody since 31st January 2018. Considering the facts and circumstances, case for suspension of sentence and grant of bail is made out.

: ORDER :

(i) During the pendency of the Criminal Revision Application No.90 of 2018, the sentence of imprisonment awarded by the Court of the Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai in C.C.No.17/PW/2014 vide judgment and order dated 18th December 2015, which is confirmed by the Sessions Court vide judgment and order dated 31st January 2018, is suspended and the applicant is directed to be released on bail on furnishing PR Bond of Rs.20,000/- (Rs.Twenty Thousand only) with one or more sureties in the like amount;

(ii) Criminal Application No.80 of 2018 is disposed of accordingly.

(PRAKASH D. NAIK, J.)