

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 600 OF 2018

IN

CRIMINAL APPEAL NO.434 OF 2018

Shankar N. Patnaik vs. Union of India and anr.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's order
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Mr.M.D.Pareek for the Applicant.

Mr. A.R.Kapadnis, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 23rd April, 2018

P.C.

1. Leave to amend. Amendment be carried out forthwith.

1. This is an application for suspension of substantive sentence and releasing the applicant on bail in CBI Special Case No.73/2010.

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

3. The applicant is convicted under Section 13(2) and 13(1) (d) of the Prevention of Corruption Act and is sentenced to suffer rigorous imprisonment for one year on each count and to pay a total fine of Rs.2000/-, in default of payment of fine to

further under go rigorous imprisonment as has been directed therein by the learned Special Judge, Greater Mumbai in CBI Special Case No.73/2010 by its Judgment and Order dated 8/3/2018. The Trial Court has directed that substantive sentences shall run concurrently.

4. The learned counsel for the applicant submitted that the applicant has already deposited the fine amount in the registry of the Trial Court. He further submitted that the applicant has been released on bail under Section 389(3) of the Cr.P.C. by the Order of even date by the Trial Court.

5. As the maximum sentence imposed upon the applicant is one year of rigorous imprisonment and the possibility of appeal 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 appeal, the substantive sentence imposed upon the applicant is suspended.

b) During the pendency of the appeal, the applicant be released on bail in CBI Special Case No. 73 of 2010 on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.

- c) During the pendency of appeal, 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. 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.)