

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 268 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 281 OF 2018

Bhaskarchandra Hadibandhu Nayak ... Applicant
Vs.
The State of Maharashtra ... Respondent

...

Mr. P.B. Patil for the applicant.
Mrs. N.S. Jain for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 19th JUNE, 2018.

P.C.

1. This is an application for suspension of sentence awarded by the trial Court vide Judgment and Order dated 10th February, 2016. The applicant is convicted for the offences punishable under Sections 465, 468, 420 of Indian Penal Code. He was sentenced to suffer imprisonment of three months for the offence punishable under section 465 of Indian Penal Code and fine of Rs.200/-. He was also sentenced to suffer imprisonment of six months for the offence punishable under Sections 468 and 420 of Indian Penal Code and fine of Rs.500/- each. The applicant was on bail during the trial and during pendency of appeal.

2. Prosecution case is that the applicant was charged of providing police verification report to P.W.No.2 who wanted to submit it to Naval Dock where he was appointed as a Software Engineer.

3. Learned counsel for the applicant submitted that except evidence of P.W.No.2 that aforesaid document was provided by applicant, there is no other evidence to corroborate the involvement of the applicant. The status of said witness is in the nature of accomplice. There is no recovery of rubber stamp or any other article to support the case that the applicant had forged the documents.

4. On perusal of evidence of P.W.No.2, it is apparent that he was appointed as Software Engineer of Naval Dock and for that purpose he requires police verification report which was alleged to be provided by the applicant-accused at the cost of Rs.1,000/-.

5. Taking into consideration the nature of evidence against the applicant, the case of suspension of sentence and grant of bail is made out. Hence, I pass the following order.

ORDER

i) Pending hearing and final disposal of Criminal Revision Application No. 281 of 2018, the sentence of imprisonment

awarded by the Court of learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai vide Judgment and Order dated 10th February, 2016 passed in C.C.No.0800852/PW/2011, which was confirmed by the Sessions Court vide Judgment and Order dated 20th February, 2018 passed in Criminal Appeal No. 414 of 2016 is suspended;

- ii) The applicant is directed to be released on bail in the sum of Rs.15,000/- with one of more sureties in the like amount;
- iii) The applicant is permitted to furnish cash security in lieu of surety provisionally for four weeks from today;
- iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)