

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.889 OF 2018

IN

CRIMINAL APPEAL NO.724 OF 2018

Bhagwan Parvatrao Parbhane &Anr.... Applicants

V/s.

The State of Maharashtra ... Respondent

.....

Mr.Shash B. Rohile, Advocate for the Applicants.

Mr.S.V.Gavand , APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 26th JUNE 2018.

P.C. :

1 The learned Advocate appearing for the applicants submits that the applicants are not pressing the instant application so far as their prayer for stay to the conviction is concerned,. The learned Counsel appearing for the applicants seeks leave to amend the prayer clause by deleting the word 'conviction' from prayer clause (a).

2 Leave to amend as prayed, is granted. Amendment be effected forthwith.

3 This is an application for suspension of sentence and releasing the applicants/accused on bail during pendency of the appeal filed by them. They have been convicted of the offence punishable under Section 304(A) of the Indian Penal Code as well as under Section 135 of the Electricity Act. Maximum sentence of imprisonment imposed on the applicants is that of one year. The substantive sentences are directed to run concurrently.

4 Heard the learned Advocate appearing for the applicant/accused. He submits that the applicants have already deposited the entire fine amount and the substantive sentence of imprisonment imposed on the applicants/accused has already been suspended by the learned trial Court.

5 The learned Additional Public Prosecutor opposed the application.

6 Considering the fact that the short sentence of imprisonment imposed on the applicants/accused and they are already released by the learned trial Court as well as the fact that the applicants have deposited the entire fine amount, the following Order :

ORDER

- (i) The Application is allowed.

- (ii) The substantive sentence of imprisonment imposed on the applicants/accused is suspended and they are directed to be released on bail on their executing P. R. Bond in the sum of Rs.15,000/- each and on furnishing one surety in the like amount by each of them.
- (iii) As a condition of this Order, the applicants/accused should not repeat commission of any offence in future.

(A.M.BADAR J.)