

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.896 OF 2018

IN

CRIMINAL APPEAL NO.731 OF 2018

Atul Jaikishan Garg ... **Applicant**

V/s.

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

Mr.Omkar Gopal Nagwekar for the applicant.

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

CORAM : A.M.BADAR J.

DATED : 22nd JUNE 2018.

P.C. :

1. The learned Advocate appearing for the applicant/accused seeks permission to amend the prayer clause of the application so as to modify the prayer to exclude from it 'stay to the conviction, execution and implementation of the judgment and order'. The learned Advocate appearing for the applicant submits that the application be construed as application for suspension of sentence and for releasing the applicant on bail during pendency of the appeal.

2. The learned Advocate appearing for the applicant further submits that the contesting respondent / prosecuting agency / CBI is already served and he wants to place acknowledgement on record. The same is accepted on record.

3. The applicant/accused is convicted of offence punishable under Section 109 and 120B of the Indian Penal Code and he is sentenced to suffer simple imprisonment for one year and apart from imposition of some fine on both count.

4. Heard the learned Advocate appearing for the applicant. He submits that substantive sentence imposed on the applicant has already suspended by the learned Trial Court.

5. As the applicant is already directed to be released on bail by the learned Trial Court and as the appeal filed by him may not heard in the near future, the following order;

:: ORDER ::

- (i) Substantive sentence of imprisonment imposed on the applicant is suspended and he is directed to be released on bail on his executing P.R. Bond in the

sum of Rs.15,000/- each and on his furnishing surety
in the like amount by each of them.

- (ii) The application is accordingly disposed of.

(A.M.BADAR J.)