

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1147 OF 2018

IN

CRIMINAL APPEAL NO.891 OF 2018

WITH

CRIMINAL APPLICATION NO.1148 OF 2018

IN

CRIMINAL APPEAL NO.891 OF 2018

Niyaz Akram Manihar ... **Applicant**

V/s.

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

Mr.Nandkumar V. Sawant for the applicant.

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

CORAM : A.M.BADAR J.

DATED : 30th JULY 2018.

P.C. :

1. Leave to amend Criminal Application No.1148 of 2018 as prayed is granted so as to delete the prayer for grant of stay or suspension of conviction. Amendment be effected forthwith.

2. Heard the learned Counsel appearing for the applicant/accused as well as the learned Additional Public Prosecutor for the State.

3. The learned Counsel appearing for the applicant submitted that short sentence of imprisonment of two years is awarded to the applicant and the same is already suspended by the learned Trial Court. The learned Counsel further submitted that the entire amount of fine imposed on the applicant has already been deposited by him. The learned Additional Public Prosecutor opposed the application.

4. The conviction is for offence punishable under section 135 of the Electricity Act and short sentence of imprisonment for two years has been imposed on the applicant. He is on bail during the pendency of the trial even after conviction he is released on bail. The entire amount of fine imposed on the applicant is deposited by him. In this view of the matter, 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/- and on furnishing surety in the like amount by him.
- (ii) As a condition of this order, the applicants should not repeat commission of similar offence in future.
- (iii) Both applications stand disposed of accordingly.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)