

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1184 OF 2018

IN

CRIMINAL APPEAL NO.905 OF 2018

Champalal @ Sampat

Khangarbhai Rawal ... **Applicant**

V/s.

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

.....

Mr.Sanjay D. Gaikwad, Advocate for the Applicant.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 12th SEPTEMBER 2018.

P.C. :

1 This is a composite application for enlargement of the applicant/accused on bail so also suspension of sentence apart from suspension of conviction recorded by the learned trial Court against the applicant for the offence punishable under Section 12 of the Prevention of Corruption Act, 1988.

2 The applicant/accused is sentenced to suffer simple imprisonment for six months apart from payment of fine of

Rs.5,000/- and in default to undergo further simple imprisonment for one month.

3 Heard both sides.

4 Prayer for suspension of conviction for the offence punishable under Section 12 of the Prevention of Corruption Act, 1988 cannot be granted as per the observations of the Honourable Apex Court in the matter of *Shyam Narain Pandey v. State of Uttar Pradesh*¹ as no exceptional circumstances are pointed out for staying or suspending the Order of conviction.

5 So far as suspension of sentence and releasing the applicant/accused on bail are concerned, the applicant/accused was on bail throughout. After convicting him the learned trial Court was pleased to release the applicant/accused on bail by exercising powers under Section 389(3) of the Code of Criminal Procedure. The appeal filed by the applicant/accused may not be heard within a short period of six months. Therefore, the Order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P. R. Bond of Rs.15,000/- and on furnishing surety in the like amount.

1 (2014) 8 SCC 909

(iii) Prayer for suspension of conviction is rejected.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

Digitally signed by
Raju Dattatraya
Gaikwad
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