

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 464 OF 2017
IN
CRIMINAL REVISION APPLICATION 479 OF 2017**

Ganpat Kondu Matera	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Mr. Vikas S. Singh I/by. Mr. Shyam Choudhary for the applicant.
Mr. P.H. Gaikwad, APP for the State.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 27th JUNE, 2018.**

P.C.

1. This is an application for suspension of sentence imposed by the Court of Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Bhiwandi vide Judgment and Order dated 4th January, 2007 passed in Summary Criminal Case No. 402 of 2014. The applicant is convicted for the offences punishable under Sections 279, 337 and 304-A of Indian Penal Code. He is sentenced to suffer imprisonment for three months and pay a fine of Rs.500/- for the offence punishable under Section 279 of Indian Penal Code. He is sentenced to suffer Rigorous Imprisonment for

one year for the offence punishable under Section 304-A of Indian Penal Code. Thereafter, the applicant preferred Criminal Appeal No. 19 of 2007, which has been dismissed on 11th July, 2017.

2. On 26th June, 2018, the matter was adjourned till today, to enable the applicant to surrender before the trial Court. Learned counsel for the applicant, on instructions, submits that the applicant has surrendered before the trial Court today. It is submitted that the applicant is a public servant. In case to prolong the custody, coercive action will be initiated against the applicant towards his employment. He was on bail during the trial as well as during the pendency of appeal. It is submitted that at the time of registration of offence he was in custody for one day. It is submitted that both courts have committed an error in convicting the applicant for the said offences. It is submitted that one of the eye witness had not identified the applicant in the Court. There is inconsistency in the evidence of other witnesses.

3. In the circumstances, the sentence of imprisonment awarded by the Courts below is suspended during the pendency of Criminal Revision Application preferred by the applicant in this Court. Hence, I pass the following order.

ORDER

- (i) Pending hearing of Criminal Revision Application No.479 of 2017, sentence to imprisonment awarded by the Joint Civil Judge (Junior Division) & Judicial Magistrate First Class, Bhiwandi vide Judgment and Order dated 4th January, 2007, in Summary Criminal Case No. 402 of 2004 and confirmed by the Court of Sessions, Thane vide Judgment and Order dated 11th July, 2017 in Criminal Appeal No. 19 of 2007 is suspended and the applicant is directed to be released on bail on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount.
- (ii) Applicant is directed to furnished cash security in the sum of Rs.15000/- in lieu of surety for a period of six weeks from today.
- (iii) Application stands disposed of.

(PRAKASH D. NAIK, J.)