

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

**CRIMINAL APPLICATION NO.1502 OF 2018
IN
CRIMINAL APPEAL NO.1093 OF 2018**

Vinod Ram Dhaware

Age : 23 years, Occ. : Driving

R/o : Galli No. 9, Laxminagar

Zopadpatti, Dahanukar Colony,

Kothrud, Pune

.... Applicant

Vs.

The State of Maharashtra

.... Respondent

Mr. Piyush Toshniwal I/by Mr. Aashish Satpute for the Applicant.

Mr. V.V. Gangurde, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 12th December 2018

P.C.:

1 Heard the respective counsel.

2 This is an application under Section 389 Code of Criminal Procedure. The applicant herein is convicted by the Additional Sessions Judge, Pune, in Sessions Case No.551 of 2017, for the offences punishable under Sections 498-A and 306 of Indian Penal Code vide judgment and order dated 20th June 2018. The applicant

herein has been sentenced to suffer rigorous imprisonment for two years on each count and fine of Rs.500/-.

3 Learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. It is submitted that the applicant has been sentenced to a short term sentence and that there is no possibility of the appeal being finally heard in the near future.

4 In view of the judgment of the Hon'ble Apex Court in the case of **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130**, the substantive sentence imposed upon the applicant deserves to be suspended during the pendency of the appeal. In view of above, taking into consideration that the sentence imposed upon the applicant is a short term sentence, it would be a fit case for suspension of the substantive sentence. However, it is made clear that the suspension of substantive sentence would not amount to suspension of conviction. Hence, the following order.

ORDER

- i) The application is allowed and stands disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 20th June 2018 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall report to the Court of Additional Sessions Judge, Pune once in six months on the date assigned by the Sessions Judge.
- v) Upon failure to attend any two consecutive dates, the Sessions Court, Pune shall report the same to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)