

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

CRIMINAL APPLICAITON NO. 514 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 535 OF 2018

Kiran Hiralal Popat ... Applicant

V/s.

The State of Maharashtra & anr. ... Respondents

Mr. Makarand Kale i/by Sameer Khedekar for the Applicant.
Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 04 October, 2018

P.C.:

1. This is an application for suspension of sentence and releasing the applicant on bail.
2. The applicant is convicted under Section 494 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.5000/-, in default of payment of fine to further under go rigorous imprisonment for 30 days by the Metropolitan Magistrate First Class, 26th Court, Borivali, Mumbai in CC No.2600021/SW/2008 by its Judgment and

Order dated 18.4.2015. The Criminal Appeal No 40/2015 preferred by the applicant is partly allowed by the learned Additional Sessions Judge for Greater Mumbai while maintaining the conviction and sentence, in default sentence for non payment of fine is modified and the applicant is directed to under go simple imprisonment for 30 days.

3. The learned counsel for the applicant on instructions submitted that as per his instructions the applicant has deposited the fine amount in the registry of the Trial Court and if not deposited the applicant undertakes to deposit the fine amount within a period of one week from today. The said statement is accepted.

4. As the maximum sentence imposed upon the applicant is one year of rigorous imprisonment and the possibility of hearing the present revision on merits in near future is remote, I am inclined to suspend the substantive sentence and release the applicant on bail.

Hence, the following order.

a) During the pendency of the revision application, the substantive sentence imposed upon the applicant is suspended and the applicant be released on bail on his furnishing PR bond of Rs.15,000/-with one or two local

sureties in the like amount.

b) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)