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

CRIMINAL APPLICATION No. 1825 OF 2018

IN

CRIMINAL APPEAL No.1307 OF 2018

Ravindra Harji Hodar

...Applicant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Aniket Vagal i/b. Mr. Ankit P. Bhatt for Applicant

Mr. S.S. Pednekar -APP for the State

Mr. H.S. Venegaonkar for Respondent No.2

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : NOVEMBER 26, 2018

P.C.:

1. This is an application under section 389 of Cr.P.C. seeking suspension of sentence during the pendency of the appeal.

2. The Applicant is convicted for an offence punishable under section 420 r/w. 120-B of the Indian Penal Code in Special CBI/ACB Case No. 32 of 2007 and sentenced to suffer rigorous imprisonment for a period of two years and fine of Rs.3,000/- each. The Applicant is also convicted for an offence punishable under section 467, 468, 471 r/w. 120-B of the Indian Penal Code and sentenced to undergo two years' rigorous imprisonment.

3. The learned counsel for the Applicant submits that the Applicant was on bail during the pendency of the trial and has not

breached any conditions imposed upon him. It is submitted that the substantive sentence imposed upon the Applicant dated 30th August, 2018 has been suspended for a period of two months in order to enable the applicant to approach the High Court.

4. The Applicant has been convicted and sentenced to a short term sentence. In view of the judgment of the Apex Court in the case of **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130**, the applicant deserves to be enlarged on bail during the pendency of appeal. It is made clear that suspension of substantive sentence shall not be construed as a suspension of conviction. The substantive sentence imposed upon the Applicant on 30th August, 2018 deserves to be suspended and the Applicant deserves to be enlarged on bail. Hence, the following order.

ORDER

- (i) The criminal application is allowed.
- (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 30th August, 2018 is hereby suspended.
- (iii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one and more solvent sureties in the like amount.

- (iv) The Applicant shall report to the Special Court (CBI Greater Mumbai) once in six months on the scheduled date given by the Special Court.
- (v) Upon failure to attend any two consecutive dates, the Special Court shall report to the High Court and the prosecution would be at liberty to file an application for cancellation of bail.

Criminal application stands disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam