

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1861 OF 2018
IN
CRIMINAL APPEAL NO. 1337 OF 2018

Sandeep Devidas Dandge.

..Applicant.

V/s.

The State of Maharashtra.

..Respondent.

Mr. Rahul Madan More, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 7, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908. The applicant herein is convicted for the offence punishable under section 354A(1)(iv), 506 of the Indian Penal Code and sentenced to suffer R.I. for 3 years and fine of Rs. 25,000/- I.d. R.I. for 2 months. He is also convicted for the offence punishable under section 11(i) read with section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for 3 years and fine of Rs. 15,000/- I.d. to suffer R.I. for 2 months. Compensation is

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awarded to the victim to the tune of Rs. 30,000/-.

3 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of conditions imposed upon him. Since the sentence imposed by the applicant is a short term sentence, in view of the Judgment of the Hon'ble Apex Court in the case, Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130, the applicant deserves extension of the same relief during the pendency of the appeal since this Court is hearing the appeal of the accused who are jail of the year 2012 and 2014. It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.

4 Hence following order is passed :

ORDER

(i) This application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 1/9/2018 by the Additional Sessions Judge and Judge, Special Court, Mangaon, District-Raigad is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall mark his presence before the Special Court, Mangaon, Dist. Raigad once in 6 months on the date assigned by

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the learned Special Court, Mangagaon Dist. Raigad. Upon failure to attend any two consecutive dates, the Special Court, Mangaon, Dist. Raigad shall report the same to the High Court and the prosecution is at liberty to file application for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]