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

CRIMINAL APPLICATION No. 1912 OF 2018
IN
CRIMINAL APPEAL No. 1424 OF 2018

Kantilal Amrutlal Hariya	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Siddhesh Samel for Applicant
Mr. Y. M. Nakhwa – APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 4, 2018

P.C.:

1. This is an application under section 389 of the Criminal Procedure Code. The Applicant herein is convicted vide judgment and order dated 1st November, 2018 passed by the Additional Sessions Judge, Thane in Special Case MSEB No. 575 of 2006. The Applicant is convicted for the offence punishable under sections 135 and 138 of the Electricity Act. The Applicant is sentenced to suffer rigorous imprisonment for 2 years and fine of Rs.9,00,000/-, in default, S.I. for six months under section 135 and sentenced to suffer R.I. for six months and sentenced to suffer R.I. for six months and fine of Rs.1,000/-, in default S.I. for ten days for the offence punishable under section 138 of the Electricity Act.

3. The learned counsel for the Applicant submits that the amount of fine has been deposited. The Applicant was on bail during the pendency of the trial and deserves extension of the same relief during the pendency of the appeal. Hence, following order.

ORDER

- (i) Criminal application is allowed.
- (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 10th November, 2018 passed by the Additional Sessions Judge, Thane in Special Case MSEB No. 575 of 2006 is suspended. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/-and one or more solvent sureties in the like amount. The bail bond be furnished within four weeks from today.
- (iii) The Applicant shall report to the Court of Additional Sessions Judge, Thane once in six months on the date assigned by the Learned Sessions Judge.
- (iv) Upon failure to attend any two consecutive dates, the Additional Sessions Judge, Thane shall report to the High Court and the prosecution would be at liberty to make an application seeking cancellation of bail.

Criminal Application is allowed and disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]