

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1974 OF 2018
IN
CRIMINAL APPEAL NO.1464 OF 2018**

Mr. Dipak Kalidas Patel Applicant

Vs.

The Union Territory of Daman & Diu Respondent
(Through Nani Dama PS, Daman)

Mr. Pravin Uttam Gaikwad for the applicant.

Mr. H.S. Venegaonkar for Respondent no.1

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

Coram : Smt. Sadhana S. Jadhav, J.

Date : 19th 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 Sessions Judge, Daman, for the offences punishable under Sections 325 of Indian Penal Code and 184 of the Motor Vehicles Act and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for four

months and under Section 184 of Motor Vehicles Act, he is sentenced to suffer rigorous imprisonment for three months vide judgment and order dated 3rd November 2018 in Sessions Case No. 6 of 2015. The sentence imposed upon the applicant is a short term sentence. The applicant was on bail during the pendency of the trial and his substantive sentence has been suspended by the learned Additional Sessions Judge in order to enable him to file an appeal. Hence, he deserves extension of the same relief during the pendency of the appeal. 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 3rd November 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 Sessions, Daman once in six months on the date assigned by the learned Sessions Judge, Daman.

v) Upon failure to attend any two consecutive dates, the Sessions Court 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)