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

CRIMINAL APPLICATION No. 2065 OF 2018
IN
CRIMINAL APPEAL No. 1535 OF 2018

Fahim Akhatar Ishtihag Ahmed	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Mateen Abdul Rahim Shaikh a/w. Ms. Adeeba Khan for Applicant	
Ms. S.S. Kaushik -APP for the State	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : DECEMBER 20, 2018

P.C.:

1. This is an application under section 389 of the Code of Criminal Procedure Code, 1973. The Applicant herein is seeking suspension of substantive sentence imposed upon him by the Additional Sessions Judge, Malegan by judgment and order dated 2nd November, 2018 in Sessions Case (Electricity) No. 285/2007 wherein the Applicant is convicted for the offence punishable under section 135 of the Electricity Act and sentenced to suffer R.I. for one year and fine of Rs.5,000/-, in default, to suffer R.I. for one month. He is also convicted for the offence punishable under section 138 of the Electricity Act and sentenced to suffer R.I. for one year and fine of Rs.5,000/-, in default, to suffer R.I. for one month.

2. The Applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon

him. The fine amount is paid. The substantive sentence is suspended by the Sessions Court in order to enable the Applicant to file an appeal. The Applicant deserves the extension of the same relief during the pendency of the appeal.

3. Hence, following order is passed:

ORDER

- (i) Criminal Application is allowed.
 - (ii) The substantive sentence imposed upon the Applicant by the Additional Sessions Judge, Malegan by judgment and order dated 2nd November, 2018 in Sessions Case (Electricity) No. 285/2007 is hereby suspended, he be enlarged on bail on furnishing P.R. Bond in the sum Rs.20,000/- and one or more sureties in the like amount.
 - (iii) The Applicant shall report to the Additional Sessions Court once in six month on the dated assigned by the Learned Sessions Court.
 - (iv) Upon failure to attend any two consecutive dates, the Learned Sessions Court, Malegaon shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.
4. Criminal application is disposed of in the aforesaid terms.

[SMT.SADHANA S. JADHAV, J.]