

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.139/2018

Sanjay s/o Laxman Wandhare

..vs..

The State of Mah., thr. PSO PS Rajura, Anti Corruption Branch, Tahsil Rajura,
District Chandrapur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri R.M. Daga, Counsel for the appellant.

Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 8, 2018.

1. Heard learned counsel Shri R.M. Daga for the
appellant.

2. **ADMIT.**

3. Call record and proceedings.

4. Learned Additional Public Prosecutor Shri A.D.
Sonak waives service on behalf of State.

Criminal Application (APPA) No.209/2018

1. Heard learned counsel Shri R.M. Daga for the
applicant/appellant and learned Additional Public Prosecutor Shri
A.D. Sonak for the State.

2. The applicant/appellant is convicted by learned
Additional Sessions Judge-3 and Special Judge at Chandrapur in

Special ACB Case No.2/2013 for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and is directed to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.3,000/- and, in default of payment of fine amount, to suffer further imprisonment for 2 months on account of his conviction for the offence punishable under section 7 of the said Act.

3. The sentence for the offence punishable under Section 13(1)(d) read with Section 13(2) of the said Act is sufferance of rigorous imprisonment for two years and to pay a fine of Rs.5000/- and, in default of payment of fine amount, to undergo rigorous imprisonment for 3 months.

4. With the assistance of learned counsel Shri R.M. Daga for the applicant/appellant, I have perused the impugned judgment. In my view, re-think is necessary.

5. The applicant/appellant was on bail throughout and at no point of time he has mis-used the liberty granted to him in his favour, is the statement of learned Additional Public Prosecutor Shri A.D. Sonak for the State. Further, it is also stated that after conviction, learned Judge of the Court below has suspended the jail sentence and has released the applicant/appellant on bail.

6. It is stated on affidavit that entire fine amount is paid.

7. Hence, this Court passes the following order:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence imposed upon the applicant/appellant by learned Additional Sessions Judge-3 and Special Judge at Chandrapur in Special ACB Case No.2/2013 for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 shall remain suspended during the pendency of the present appeal.

(c) The applicant/appellant shall be released on bail on the same bail, however on execution of fresh bonds before the Court below.

(d) The applicant/appellant shall remain personally present before this Court at the time of final hearing of the appeal.

(e) With this, the criminal application is allowed and disposed.

JUDGE

.....4/-

!! BRW !!