

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

CRIMINAL APPEAL NO.263/2018

Dinkar s/o Balaji Wankhade

..VS..

State of Mah., thr. Anti Corruption Bureau, Washim, Taluka and District Washim

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

Court's or Judge's Order

.....
Ms Divya Joshi, Counsel for the appellant.

Shri V.A. Thakare, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : APRIL 17, 2018.

1. Heard learned counsel Ms Divya Joshi for the
appellant.

2. **ADMIT.**

3. Learned Additional Public Prosecutor Shri V.A.
Thakare waives service on behalf of the State.

Criminal Application (APPA) No.382/2018

1. This is an application under Section 389 of the Code
of Criminal Procedure for suspension of substantive jail sentence
and for grant of Stay.

2. Heard learned counsel Ms Divya Joshi for the
applicant/appellant and learned Additional Public Prosecutor Shri
V.A. Thakare for the State.

3. The applicant/appellant, a senior clerk in the Government Department, stands convicted on 6.4.2018 in ACB Case No.7/2010 by learned Additional Sessions Judge, Washim for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and on that count he is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- and, in default of payment of the fine amount, to suffer further rigorous imprisonment for 3 months.

He is also convicted for the offence punishable under Section 13(1)(d) read with Section 13(2) of the said Act and for that he is directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- and, in default of payment of the fine amount, to suffer further rigorous imprisonment for 3 months.

4. Learned counsel for the applicant/appellant submitted that learned Judge of the Court below has already suspended the substantive jail sentence and the applicant/appellant has already deposited Rs.20,000/- by way of fine amount. Those submissions are made in paragraph No.2 of the application.

5. The applicant/appellant was on bail throughout during course of the Trial and at no point of time he has mis-used the liberty granted to him in his favour. That leads me to pass the following order:

ORDER

(i) The criminal application is partly allowed.

(ii) Substantive jail sentence imposed upon the applicant/appellant on 6.4.2018 in ACB Case No.7/2010 by learned Additional Sessions Judge, Washim shall remain suspended during the pendency of the present appeal.

(iii) Applicant/appellant Dinkar s/o Balaji Wankhade, be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iv) Since no case is made out for Stay of the impugned judgment, prayer for staying the effect and operation of the order of conviction stands rejected.

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

(vi) The criminal application is partly allowed and disposed of accordingly.

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JUDGE

!! BRW !!

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