

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

CRIMINAL APPEAL NO.382 OF 2018

[Maroti s/o Dewaji Meshram .vs. State of Maharashtra]

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

Court's or Judge's orders

Shri S.G. Joshi, Advocate for Appellant,
Shri S.D. Sirpurkar, APP for Respondent.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JUNE 21, 2018.

Heard.

Admit.

Call R & P.

Shri Sirpurkar, the learned APP waives notice on behalf of the respondent-State.

CRIMINAL APPLICATION (APPA) NO.567/2018

Heard.

By this application, the applicant prays for suspension of jail sentence imposed upon him by the learned Sessions Judge, Chandrapur, dated 23.5.2018 in Special Case (ACB) No.03/2005 and grant of bail.

The applicant is convicted for the offence punishable under section 7 of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.2,000/- and in default of payment of fine to suffer rigorous imprisonment for 1 month. The applicant is further convicted for the offence punishable under section 13 (1)(d) r/w 13 (2) of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.2,000/- and in default of payment of fine to suffer rigorous

imprisonment for 1 month.

I have heard Shri S.G. Joshi, the learned counsel for the applicant and Mr. S.D. Sirpurkar, the learned APP for the respondent-State.

The applicant was on bail during the pendency of the trial. Even after the judgment and order of the conviction, the learned trial court has suspended the jail sentence and the applicant was released on bail.

Considering the nature of the offence and that the applicant was on bail during the pendency of the trial and he has not misused the liberty and also considering that the applicant has deposited the fine amount, the applicant is entitled to suspension of jail sentence and grant of bail. Hence, the following order :

ORDER

- 1) Criminal Application No.567/2018 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Sessions Judge, Chandrapur, dated 23.5.2018 in Special Case (ACB) No.03/2005 shall remain suspended during the pendency of the present appeal.
- 3) The applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.
- 4) The applicant shall remain personally present before this Court at the time of final hearing of the appeal.

The application stands disposed of.

JUDGE