

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

CRIMINA APPLICATION (APPA) NO.897/2018 IN
CRIMINAL APPEAL NO.544/2018

Kailash s/o Govinda Chavan .vs. State of Maharashtra through PSO P.S.
Umarkhed, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. M. I. Dhattrak, Advocate for applicant.
Mrs. S. V. Kolhe, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 19, 2018

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

I have heard Mr. Dhattrak, learned counsel for applicant and Mrs. Kolhe, learned A.P.P. for the State.

The applicant is convicted by the learned Additional Sessions Judge, Pusad in Special (Electricity) Case No.6/2009. Under the said judgment and order, the applicant was convicted for the offence punishable under Section 135 of the Electricity Act, 2003 and was directed to suffer simple imprisonment for three months and also to pay a fine of Rs.25,000/-, in default to suffer further simple imprisonment for three months. The appeal was placed before this Court for admission on 17.09.2018. On the said day, this Court has admitted the appeal and also issued notices on the present

application. Order dated 17.09.2018 shows that substantive sentence was previously suspended until further orders and the applicant was released on bail.

Looking to the quantum of sentence and looking to the volume of pendency of the criminal appeals before this Court, it will not be possible for this Court to dispose of the present appeal finally at this stage. In that view of the matter, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The substantive jail sentence imposed upon the applicant in Special (Elect.) Case No. 06/2009 by judgment dated 08.08.2018 passed by Additional Sessions judge, Pusad shall remain suspended during the pendency of the present appeal.
- (iii) The applicant be released on bail on he executing P.R. Bond in the sum of Rs.20,000/- before the learned Additional Sessions Judge, Pusad.
- (iv) The applicant is directed to remain personally present before this Court at the time of final hearing of the appeal.

The application is disposed of.

JUDGE