

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL MISC. APPLICATION NO.277 OF 2019****IN****CRIMINAL APPEAL NO.62 OF 2019**

K. Henry Daniel

.... Applicant

V/s

State of Goa & Anr.

.... Respondents

Shri Nitin Sardessai, Senior Advocate with Ms. Gautami Kamat,
Advocate for the Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- PRITHVIRAJ K. CHAVAN, J.**Date : 26th November, 2019****ORAL ORDER :**

This is an application for suspension of sentence pending the appeal.

2. Heard Shri Nitin Sardessai, learned Senior Counsel for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondents.

3. The applicant was arrested on 05/08/2016 and released on bail on 30/08/2016. The applicant continued to be on bail till he was convicted and sentenced on 13/11/2019. The learned Special Judge,

Panaji convicted the applicant under Section 7 of the Prevention of Corruption Act. He is sentenced to undergo imprisonment for three years and to pay a fine of ₹10,000/-. He has also been convicted under Section 13(1)(2) and is sentenced to undergo imprisonment for seven years and to pay a fine of ₹25,000/-. The sentences were directed to run concurrently.

4. Shri Rivankar, in his reply at para 5, objected the release of the applicant on bail pending the hearing of the appeal by contending firstly, that the applicant has not deposited the fine amount imposed by the Trial Court and, secondly, it is a serious offence which is in violation of human rights and an offence against the society.

5. Having heard the learned Senior Counsel for the applicant and Shri Rivankar, the learned Public Prosecutor, I am of the view that pending the hearing of the appeal the execution of the sentence needs to be suspended as the appeal has already been admitted and the applicant was on bail throughout, till he was convicted by the Trial Court. Of course, necessary conditions can be imposed while suspending the execution of sentence. It is also submitted that the

applicant is a permanent resident of Goa. However, Shri Rivankar submits that the applicant is a native of Hyderabad. Shri Sardessai, learned Senior Counsel, on the other hand, submits that he is married to a Goan lady, who has a matrimonial house in the State of Goa.

6. Having considered the aforesaid facts, pending the hearing and final disposal of the appeal, the execution of the sentence passed by the Trial Court on 15/11/2019 is suspended on the following terms:

- (i) The applicant be released on furnishing a PR bond in the sum of ₹50,000/- with one or two sureties in the like amount to the satisfaction of the Registrar (Judicial) of this Court.
- (ii) The applicant shall not leave the jurisdiction of this Court unless prior permission is sought.
- (iii) The applicant shall furnish his local residential address.
- (iv) The applicant shall deposit his passport, if any, with the Registry of this Court.

7. The application stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

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