

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1341 OF 2019
IN
CRIMINAL APPEAL NO. 1099 OF 2019

Nitin Laxman Sherekar and Anr. ... Applicants/Appellants
V/s.

The State of Maharashtra and Anr. ... Respondents

Mr.Mohd Saifan Mulla for the applicants.
Mr. S.R. Agarkar – APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J
DATED : 26TH AUGUST 2019.

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicants herein are seeking suspension of substantive sentence imposed upon them by the Additional Sessions Judge, Solapur in Special Case No. 68 of 2016, vide judgment and order dated 30th July 2019 thereby convicting the applicants for the offences punishable under Sections 354 (A) read with 34 of Indian Penal Code and sentencing them to suffer rigorous imprisonment for three months and to pay a fine of Rs. 2000/- each in default, they shall suffer simple imprisonment for one month. The applicant has been acquitted for the offence punishable under section 7 read with 8 of Protection of Children from Sexual Offences Act and Sections 323, 504 and 506

read with 34 of Indian Penal Code.

2. The sentence imposed upon them is a short term sentence. The applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. Hence, they are entitled to the extension of same relief during the pendency of the appeal. Hence, the following order:-

ORDER

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 30th July 2019 by the Additional Sessions Judge, Solapur is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each, (Rupees Twenty Five Only) and one or more sureties in the like amount.
- iv) The applicant shall cause their presence before the learned Additional Sessions Judge, Solapur once in six months on the date assigned by the learned Additional Sessions Judge, Solapur
- v) Upon failure to attend any two consecutive dates, the the learned Additional Sessions Judge, Solapur shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vi) The application stands disposed of.

(SMT. SADHANA S. JADHAV, J)