

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1356 OF 2019
IN
CRIMINAL APPEAL NO. 1111 of 2019

Yogiraj Tanaji Salunke ... Appellant

V/s.

The State of Maharashtra ... Respondent

Mr.V.V. Parwane I.by Mr. Vikrant V. Phatate for applicant/appellant
Mr. S.S. Pednekar– APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J
DATED : 21ST AUGUST, 2019.

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein seeking suspension of substantive sentence imposed upon him by the Special Judge (ACB), Solapur in Special Case (ACB) No. 28 of 2014, vide judgment and order dated 31st July 2019 thereby convicting him for the offence punishable under Sections 7 and 13 of Prevention of Corruption Act (for short the 'PC Act') and sentencing him to suffer rigorous imprisonment for three and four years respectively and to pay fine of Rs. 5,000/-, in default, to suffer further simple imprisonment for six months.
3. The applicant is taken into custody on 31st July 2019. The sentence imposed upon the applicant is short term sentence. The

applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him.

4. In view of the this, the applicant is entitled to the extension of the same relief during the pendency of the appeal. **However, it is made clear that the suspension of substantive sentence shall not be construed as the suspension of conviction.**

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 31st July 2019 passed by Special Judge (ACB), Solapur is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- and one or more solvent sureties in the like amount.
- iv) The applicant shall cause his presence before Special Judge (ACB), Solapur once in six months on the date assigned by the Special Judge (ACB), Solapur.
- v) Upon failure to attend any two consecutive dates, the Special Judge (ACB), 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)