

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.15 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.5 OF 2019**

Shri Anand Sunil Saraiya ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Subodh Desai I/b Pawan Mali for the Applicant

Mr.Vinod Chate, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application for suspension of judgment and sentence dated 25.3.2010 passed by the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai in C.C. No.2077/PS/2005 (Old case No.1154/P/96) as also the order passed by the learned Additional Sessions Judge, Mumbai in Criminal Appeal No.155 of 2010 and also for bail. By order dated 18.12.2018, the learned Additional Sessions Judge, Greater Mumbai has confirmed the

conviction of the applicant under section 304A of the Indian Penal Code which was awarded by the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai.

3. The learned Counsel for the applicant submits that the applicant/accused was on bail throughout the trial and appeal. He has a good case on merits as the charge of rash and negligent driving itself is not proved. He submits that he is to be released on bail and the impugned sentence be suspended.

4. Learned Prosecutor submits to the orders of the Court.

5. In view of the submissions made by the learned Counsel and considering the nature of the offence for which the applicant/accused is convicted, the application is allowed on the following terms:

- i) The impugned judgment and conviction dated dated 25.3.2010 passed by the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai in C.C. No.2077/PS/2005 (Old case No.1154/P/96) as also the order passed by the learned Additional Sessions Judge, Mumbai in Criminal Appeal No.155 of 2010 is suspended pending revision;

- ii) The applicant/accused be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with a surety in the like amount;
- iii) The applicant/accused shall make himself available on all the court dates;
- iv) The applicant/accused shall not commit similar offences.

6. The application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)