

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.139 OF 2019

IN

CRIMINAL APPEAL NO.139 OF 2019

Sukdeo Rajaram Kumbhar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Tushar N. Sonawane, Advocate for the Applicant.

Ms.P.N.Dabholkar, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 20th FEBRUARY 2019.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. In addition, the applicant/accused has also prayed for stay to the conviction.

2 Heard the learned Counsel for the applicant/accused. He argued that the learned trial Court had stayed the Order of conviction till today. It is further argued that the applicant/accused was on bail during pendency of the trial and he has already deposited the entire amount of fine imposed on him.

3 The learned Additional Public Prosecutor opposed the application.

4 The applicant/accused is sentenced to suffer rigorous imprisonment for one year apart from payment of fine of Rs.1,000/- and in default to undergo further rigorous imprisonment for one month for the offence punishable under Section 7 of the Prevention of Corruption Act, 1981. For the offence punishable under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, the applicant/accused is sentenced to suffer rigorous imprisonment for two years apart from payment of fine of Rs.1,000/- and in default to undergo further rigorous imprisonment for one month. The applicant/accused was on bail during pendency of the trial and therefore, considering the short sentence of imprisonment imposed on him by the learned trial Court, he deserves to be released on bail. So far as prayer for stay to the conviction is concerned, the same cannot be granted in the light of Judgment in the matter of *Shyam Narain Pandey v. State of Uttar Pradesh*¹

5 Therefore, the following order :

ORDER

(i) The application is partly allowed.

(ii) The prayer for stay to the conviction of the applicant/accused recorded by the learned trial Court for

1 (2014) 8 Supreme Court Cases 909.

the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 is rejected.

(iii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(iv) The application is disposed of accordingly.

(A.M.BADAR J.)