

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 491 OF 2019
WITH
CRIMINAL APPLICATION NO. 492 OF 2019
IN
CRIMINAL APPEAL NO. 502 OF 2019

Kunal Kishorbhai Patel

..Appellant/Applicant

v/s.

The State of Maharashtra

..Respondent

Mr. Shyamrishi Pathak for the Appellant/Applicant.

Ms. Pallavi N. Dabholkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 12th April 2019.

P.C.

1. Heard.
2. This is an applications filed under Section 389 of Cr.P.C. the applicant herein is seeking suspension of substantive sentence imposed upon the applicant by the District Judge-4 and Additional Sessions Judge, Thane in J. Special Case MSEB No. 8 of 2015, vide judgment and order dated 28th February 2019. The applicant is convicted for the offence punishable under Section 135 of Electricity Act and is sentenced to suffer rigorous imprisonment for two years

and to pay fine of Rs. 29,65,000/- (Rs. Twenty Nine Lakhs Sixty Five Thousand Only), in default to suffer further simple imprisonment for six months. The fine amount is paid by the applicant.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The sentence imposed upon him is short term sentence. Hence the following order:-

Order

- i) The Criminal Applications are allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 28th February 2019 passed District Judge-4 and Additional Sessions Judge, Thane in J. Special Case MSEB No. 8 of 2015 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
- iv) The applicant shall cause his presence before District Judge-4 and Additional Sessions Judge, Thane, once in six months on the date assigned by the District Judge-4 and Additional Sessions Judge, Thane.
- v) Upon failure to attend any two consecutive dates, the District Judge-4 and Additional Sessions

Judge, Thane shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vi) The applications stand disposed of.

(SMT. SADHANA S. JADHAV, J)