

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 562 OF 2019
IN
CRIMINAL APPEAL NO. 558 OF 2019

Sunil Amrut Chandole

..Appellant/Applicant

v/s.

The State of Maharashtra

..Respondent

Mr. Prashant Pandey I/by Mr. A.Z. Memon for the
Appellant/Applicant.

Mr. S.R. Agarkar-APP for the State.

Mr. K.R. Ahirrao, PC, anti Corruption Bureau, Nashik

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 Additional Sessions Judge-8, Nashik in Special (ACB) C. No. 05 of 2018, vide judgment and order dated 28th February 2019. The applicant is convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and he is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- (Rupees one thousand only), in default, to suffer further rigorous imprisonment of one month. The

applicant is also convicted for the offence punishable under Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, and he is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs. 1000/- (Rupees one thousand only), in default, to suffer further rigorous imprisonment of one month.

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. It would be appropriate to enlarge the applicant on bail as he would be entitled to the extension of same relief during the pendency of the appeal. **However, it is made clear that suspension of substantive sentence shall not be considered as suspension of conviction.** Hence, the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 28th February 2019 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 the Additional Sessions Judge-8, Nashik, once in six months on the date assigned by the learned the Additional

Sessions Judge-8, Nashik.

- v) Upon failure to attend any two consecutive dates, the the Additional Sessions Judge-8, Nashik 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)