

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 598 OF 2019
IN
CRIMINAL APPEAL NO. 589 OF 2019

Harshesh Ashok Kamli and Ors.

..Appellant/Applicant

v/s.

The State through Police Station

Nani Daman, Daman

..Respondent

Mr. Manoj M. Badgujar for Appellant/Applicant.

Mr. H.S. Venegaokar for Respondent.

Ms. Pallavi Dabholkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 12th April 2019.

P.C.

1. This is an application filed under Section 389 of Cr.P.C. The applicants herein are seeking suspension of substantive sentence imposed upon him by Sessions Judge, Daman in Sessions Case No. 12 of 2018, vide judgment and order dated 16th March 2019. The applicants are convicted for the offence punishable under Sections 143, 323/149 and 427/149 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three months and to pay a fine of Rs.500/- (Rupees Five Hundred) each, in default, to suffer further

rigorous imprisonment for fifteen days each. They are also sentenced to suffer rigorous imprisonment for six months and to pay a fine of Rs. 500 (Rupees Five Hundred) each, in default to suffer further rigorous imprisonment for one month each. They are sentenced to suffer one year and to pay a fine of Rs. 1500/- (Rupees Fifteen Hundred), each, in default, to suffer rigorous imprisonment for two months, on each count.

2. Fine amount is paid and sentence is suspended by the Sessions Judge, Daman in order to enable the applicants to approach the Higher Court. The sentence imposed upon them are short term sentence. The applicants, therefore, deserve to be enlarged on bail. Hence, the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 16th March 2019 passed by the Sessions Judge, Daman in Sessions Case No. 12 of 2018 is hereby suspended.
- iii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- (each) and one or more solvent sureties in the like amount.
- iv) The applicants shall cause his presence before the Sessions Judge, Daman once in six months on the date assigned by the the Sessions Judge, Daman.

- v) Upon failure to attend any two consecutive dates, the learned the Sessions Judge, Daman 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)