

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

**CRIMINAL APPLICATION NO. 611 OF 2019
IN
CRIMINAL APPEAL NO. 600 OF 2019**

Sampat Genbhau Borhade

.. Applicant

V/s

The State of Maharashtra

.. Respondent

Mr. Amitkumar D. Sale for appellant/applicant.

Mr. S.R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 23, 2019.

P. C. :

1. Heard the learned counsel for the applicant and the learned APP for State.

2. This is an application under section 389 of the Code of Criminal Procedure, 1973 seeking suspension of substantive sentences. The applicant herein convicted by Special Judge Pune in Special Case No. 325 of 2015 for the offence punishable under sec. 354 of Indian Penal Code and is sentenced to suffer RI for one year and fine of

4000/-, in default SI for three months, he is also convicted for the offence punishable under sec. 323 of Indian Penal Code and is directed to pay fine of Rs. 1000/-, in default SI for three months, vide Judgment and Order dated 11.03.2019.

2. The learned Counsel for applicant submits that the applicant was on bail during pendency of the trial and has not committed any breach of conditions imposed upon him. The sentence imposed upon the applicant is a short term sentence. It would not be possible to hear the Appeal within a short span of time and hence applicant deserves to be enlarged on bail. In view of this applicant deserves extension of same relief during the pendency of the Appeal. It is made clear that the suspension of substantive sentence shall not be construed as suspension of conviction.

ORDER

1. The application is allowed.
2. Substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.
3. The applicant shall mark his presence before Special Judge, at Pune once in six months on the date assigned by the learned Special Judge.

4. Upon failure to attend any two consecutive dates, the Special Court shall make report to the High Court and prosecution would be at liberty to seek cancellation of bail.
5. Application is allowed in above terms and stands disposed off.

[SMT. SADHANA S. JADHAV, J.]