

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

**CRIMINAL APPLICATION NO. 629 OF 2019
IN
CRIMINAL APPEAL NO. 612 OF 2019**

Shivaji Dondiba Gunjal

.. Applicant

V/s

The State of Maharashtra and Anr.

.. Respondents

Mr.Karl Rustomkahn I/b. Mr.Rahul Arote, advocate for appellant.

Mr. S.S. Pednekar, APP for State/ Respondent no. 1.

Mr. Y.M. Nakhwa, advocate for respondent no. 2 CBI

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. Appeal admitted.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908 seeking suspension of substantive sentences. The applicant herein is convicted by Special Judge (CBI Court, Bombay) in CBI Special Case No. 9 of 2004 for the offence punishable under sec. 7 of Prevention of Corruption Act, 1988 and is sentenced to suffer RI for one year and fine of Rs.1,000/- , in default further RI for three months, he is also convicted for the offence punishable under sec. 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and is sentenced to suffer RI

for two years and fine of Rs. 1,000/-, in default further RI for three months, vide Judgment and Order dated 27.03.2019.

3. The learned Counsel for applicant submits that the case is of the year 2002 and the case was registered as CBI Special Case No. 9 of 2004. The applicant was on bail during pendency of the trial and has not committed breach of any condition imposed upon him. The sentence upon the applicant is a short term sentence. In view of this applicant deserves extension of same relief during the pendency of the Appeal.

4. 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. 25,000/- and one or more solvent sureties in the like amount.
3. The applicant shall mark his presence and report to the Special CBI Court once in six months on the date assigned by the learned CBI Special Judge.
4. Upon failure to attend any two consecutive dates, the Special CBI 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.]