

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

**CRIMINAL APPLICATION NO. 637 OF 2019
IN
Cr. APPEAL NO. 729 OF 2019**

Suresh Datta Kakde
v/s.
State of Maharashtra

..Appellant/Applicant
..Respondent

Mr. Pramod S. Kumbhar for appellant/applicant.
Mr. S.S. Pednekar APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 18th JUNE 2019.**

P.C.

1. Heard.
2. This is an application 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, City Civil Court, Greater Mumbai in Sessions Case No.180 of 2013, vide judgment and order dated 19th March 2018. The applicant is convicted for the offence punishable under Sections 325 and 506 of the Indian Penal Code and he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.500/- and Rs.200/- respectively, in default, to suffer further simple imprisonment for three 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 her is short term sentence. In view of this, she would be entitled to the extension of same relief during the pendency of the appeal. Hence, the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant by Additional Sessions Judge, vide judgment and order dated 19th March 2018 is hereby suspended.
- iii) The applicant 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.
- iv) The applicant shall cause her presence before the Additional Sessions Judge, once in six months on the date assigned by the learned Additional Sessions Judge, City Civil Court, Greater Mumbai.
- v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge 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)