

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 650 OF 2019
IN
CRIMINAL APPEAL NO. 622 OF 2019

1 Jugal @ Jignesh Mahesh Patel.
2 Akshay Rajesh Patel.
3 Heming Thakur Patel.
4 Ronit Mahendra Patel.
5 Vimal Bhupsing.
6 Ankit @ AML Uttambhai Patel.
7 Kamlesh Mahendra Patel.

..Applicants.

V/s.

The State of Maharashtra & anr.

..Respondents.

Mr. Vijendra Suraj Jabra, advocate for applicants.

Mr. H.S. Venegaokar, advocate for respondent No. 2.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 22, 2019.

P. C. :

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under section 389 of the Code of
Criminal Procedure, 1908 seeking suspension of sentence imposed upon
the applicants. The applicants are convicted for the offence punishable

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under section 143 of the Indian Penal Code and sentenced to suffer R.I. for 3 months and to pay fine of Rs. 500/-each I.d. to suffer R.I. for 15 days. The applicants are convicted for the offence punishable under section 147 of the Indian Penal Code and sentenced to suffer R.I. for 6 months and to pay fine of Rs. 1000/- each I.d. to suffer R.I. for one month. The applicants are convicted for the offence punishable under section 324 read with section 149 of the Indian Penal Code and sentenced to suffer R.I. for one year and to pay fine of Rs. 1500/- each I.d. to suffer R.I. for 2 months by the Sessions Judge, Daman vide Judgment and Order dated 18/2/2019 in Sessions Case No. 12 of 2014.

3 The learned Counsel for the applicant submits that the sentence imposed upon the applicants is a short term sentence. The applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them and hence, they be granted same relief during the pendency of the appeal.

4 The sentence imposed upon the applicants is a short term sentence. This Court is hearing the jail appeals of the year 2013 and hence, the applicants are entitled to the extension of the same relief during the pendency of the appeal. Hence, following order is passed :

ORDER

(i) The application is allowed.

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(ii) The substantive sentence imposed upon the applicants vide Judgment and Order dated 18/2/2019 by Sessions Judge, Daman in Sessions Case No. 12 of 2014 is hereby suspended. The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- each and one or more solvent sureties in the like amount.

(iii) The applicant shall furnish his residential address and contact numbers to the concerned Court.

(iv) The applicant shall report to the Sessions Court, Daman once in 6 months on the date specified by the Sessions Court, Daman. Upon failure to attend any two consecutive dates the Sessions Court, Daman shall report the same to the High Court and the prosecution is at liberty to move an application for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]