

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

**CRIMINAL APPLICATION NO. 681 OF 2019
IN
CRIMINAL APPEAL NO. 650 OF 2019**

Deepak Julal Wahle
v/s.
The State of Maharashtra

..Appellant/Applicant

..Respondent

Mr. Sachin Thombare I/by Mr. M.V. Thorat for Appellant/Applicant.
Ms. Pallavi N. Dabholkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 30th April 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 him by the Additional Sessions Judge-2, Malegaon, District-Nashik in Special ACB No. 05 of 2011, vide judgment and order dated 29th March 2019, thereby convicting the applicant for the offence punishable under section 7 of the Prevention of Corruption Act, 1988 and sentencing to suffer rigorous imprisonment for one year and to pay fine of Rs. 5000/- (Rs.Five Thousand Only), in default, shall suffer simple imprisonment for one month. He also convicting for the offence under section 13 (1) (d)

punishable under section 13(2) Prevention of Corruption Act , 1988 and sentencing to suffer rigorous imprisonment for two years and shall pay fine of Rs. 5000/- (Rs. Five Thousand Only), in default, shall suffer simple imprisonment for one month.

3. The sentence imposed upon him is short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. This Court is hearing the appeals of the year 2001 where the accused is on bail. In view of this it would not be possible to hear the appeal expeditiously. **It is made clear that suspension of substantive sentence shall not be considered as suspension of conviction.** Hence the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant by the Additional Sessions Judge-2, Malegaon, District-Nashik in Special ACB No. 05 of 2011, vide judgment and order dated 29th March 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) and one or more sureties in the like amount.
- iv) The applicant shall cause his presence before the Additional Sessions Judge-2, Malegaon, District-

Nashik once in six months on the date assigned by the Additional Sessions Judge-2, Malegaon, District-Nashik.

v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge-2, Malegaon, District-Nashik 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.

The parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)