

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

**CRIMINAL APPEAL NO.662 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.694 OF 2019**

Sameer Ravalnath Shinolkar

....

Appellant/
Applicant

Vs.

The State of Maharashtra

....

Respondent

Mr. Jayant Joseph Bardeskar for the appellant/applicant.

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

Coram : Smt. Sadhana S. Jadhav, J.

Date : 2nd May 2019

P.C.:

1 Heard the respective counsel.

2 Appeal admit.

3 The above application is filed under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence imposed upon the appellant/applicant. The applicant herein is convicted by the Special Judge (ACB), Gadhinglaj, vide judgment and order dated 28th March 2019 in Special Case No.5 of 2015, for the offence punishable under Section 8 read with Section 12 of the Prevention of Corruption

Act, 1988. The applicant is sentenced to suffer rigorous imprisonment for three years and fine of Rs.15,000/-, in default to suffer simple imprisonment for three months.

4 The sentence imposed upon the applicant is a short term sentence. Learned counsel for the applicant submits that the applicant has not committed breach of any conditions imposed upon him., hence, he is entitled to the same relief during pendency of the appeal. However, it is made clear that suspension of substantive sentence shall not be construed as suspension of conviction. Hence, the following order.

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 28th March 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iv) The applicant shall mark his presence before the Special Judge (ACB), Gadhinglaj once in six months on the date assigned by the Special Judge.

v) Upon failure to attend any two consecutive dates, the Special Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

Parties to act on authenticated copy of this order.

(Smt. Sadhana S. Jadhav, J)