

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

**CRIMINAL APPLICATION NO. 698 OF 2019
IN
CRIMINAL APPEAL NO. 669 OF 2019**

Shri Mangesh Ramdas Gurav
v/s.

..Appellant/Applicant

The State of Maharashtra

..Respondent

Mr. Sachin Gite 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 Sessions Judge, Nashik in Sessions Case No. 295 of 2014, vide judgment and order dated 8th March 2019, thereby convicting the applicant for the offence punishable under section 326 of Indian Penal Code vide Section 235 (2) of the Cr. P.C. and sentencing to suffer rigorous imprisonment for three years and to pay a fine of Rs.1000/- in default, to suffer simple imprisonment for 15 days. He also convicting for the offence punishable under section 452 of the Indian Penal Code vide Section 235 (2) of the

Cr.PC. And sentencing to suffer rigorous imprisonment for three years and to pay a fine of Rs. 1000, in default, to suffer simple imprisonment for 15 days.

3. The learned counsel for the applicant submits that 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. The applicant is 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 the Sessions Judge, Nashik in Sessions Case No. 295 of 2014, vide judgment and order dated 8th 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 Sessions Judge, Nashik once in six months on the date assigned by the Sessions Judge, Nashik.
- v) Upon failure to attend any two consecutive dates, the Sessions Judge, 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)