

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 777 OF 2019
IN
CRIMINAL APPEAL NO. 719 OF 2019

Udaysingh Gokulsingh Chouhan.

..Applicant.

V/s.

The State of Maharashtra.

..Respondents.

Mr. Girish Kulkarni I/b. Mr. Maitreya Girish Shukla, advocate for applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 4, 2019.

P. C. :

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

2 This is an application under section 389 of the Code of Criminal Procedure, 1908 seeking suspension of the sentence imposed upon the applicant. The applicant herein is convicted for the offence punishable under section 12 of the Prevention of Corruption Act, 1988 and sentenced to suffer S.I. for 3 years and to pay fine of Rs. 1000/- I.d. S.I. for one month vide Judgment and Order dated 30/4/2019 in ACB Special Case No. 31 of 2015 by the Special Judge under P.C. Act, Gr. Mumbai. The applicant has been acquitted of the charges under section 7 and 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, 1988.

3 It is pertinent to note that the co-accused i.e. original accused

Talwalkar

Nos. 2 and 3 are acquitted of all the charges i.e. section 7, 13(1)(d), 13(2) as well as section 12 of the Prevention of Corruption Act, 1988.

4 The sentence imposed upon the applicant is a short term sentence. The applicant was on bail during the pendency of the trial. It is in view of this that the applicant deserves to be enlarged on bail during the pendency of the appeal. However, it is made clear that suspension of substantive sentence shall not be construed as suspension of conviction. Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant is hereby suspended. He 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.

(iii) The applicant shall report to the Court of Special Judge(Under Prevention of Corruption Act), Gr. Mumbai once in 6 months on the date assigned by the learned Special Court. Upon failure to attend, the learned Special Court under P.C. Act, Gr. Mumbai shall report to the same to the High Court and the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]