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

**CRIMINAL APPLICATION NO. 278 OF 2019
IN
REVISION APPLICATION NO. 274 OF 2019**

**WITH
CRIMINAL APPLICATION NO. 279 OF 2019
IN
REVISION APPLICATION NO. 274 OF 2019**

Ravishankar Umashankar Tiwari & Anr.

..Applicants

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. J.B. Mishra for the Applicants.

Mr. R.M. Pethe, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 4th June 2019.

P.C.:

1] These are applications for suspension of sentence and for releasing the applicants on bail.

2] Heard the learned Counsel for the applicants and the learned APP. Perused the record.

3] The applicants are convicted under Section 392 read with 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment

for two years each to pay fine of Rs.5000/- each, by the learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai in CC. No.15000257/PW/2013 by its Judgment and Order dated 02.5.2014.

The learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.559 of 2014 by its Judgment and Order dated 25.4.2019 while confirming the conviction of the applicants has modified the sentence and has directed the applicants to undergo rigorous imprisonment for one year each.

4] The learned counsel for the applicants submitted that, the applicants have already deposited fine amount in the Registry of the Trial Court. It is submitted that, the applicants have undergone more than 45 days of imprisonment as of today, out of one year of rigorous imprisonment.

5] As the maximum sentence imposed upon the applicants is one year of rigorous imprisonment and the possibility of Revision being heard on merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicants and release them on bail.

Hence the following Order:

(i) During the pendency of the Revision, the substantive sentence

imposed upon the applicants is suspended.

(ii) During the pendency of the Revision, the applicants be released on bail on their furnishing PR bond in the sum of Rs.20,000/- each with one or two solvent local sureties in the like amount.

(iii) After their release from jail, the applicants shall attend the Court of learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai on every 1st Monday of the third month between 11.00 a.m to 2.00 p.m. and to mark their presence. If the 1st Monday of the said months falls on holiday and/or non Court working day, the applicants shall mark their presence immediately on next working day.

6] Both Applications are allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)