

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 286 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 281 OF 2019**

Kakaso Tatoba Shinde

...Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. P.G. Sarda for the Applicant.

Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 12th JUNE, 2019.****P.C.:-**

This is an Application for suspension of substantive sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Sections 467, 468, 471, 419 and 420 of the Indian Penal Code and sentenced the Applicant to suffer rigorous imprisonment for one year on each count and to pay total fine amount of Rs.1,25,000/-by the learned Judicial Magistrate, First Class, Jath, District Sangli in Regular Case No. 36 of 2005 by its Judgment and Order dated 17th December, 2007.

By the same Judgment and Order, the Trial Court has

directed that, all the sentences imposed upon the Applicant shall run concurrently.

3 In Criminal Appeal No. 224 of 2007 preferred by the Applicant, the learned District Judge, Sangli by its Judgment and Order dated 15th May, 2019, was pleased to acquit the Applicant from the offences punishable under Sections 420 and 468 of the Indian Penal Code and maintain his conviction and sentence for the offences punishable under Sections 467, 471 and 419 read with Section 34 of the Indian Penal Code.

4 The learned counsel appearing for the Applicant submitted that, the Applicant has already deposited the fine amount of Rs.1,25,000/- in the Registry of the Trial Court. He further on instructions, submitted that, out of the total sentence of one year, the Applicant, as of today, has already undergone sentence of approximately 9 months and 4 days.

5 As the maximum sentence imposed upon the Applicant is one year and out of which the Applicant has already undergone imprisonment of more than 9 months, I am inclined to suspend the substantive sentence imposed upon the Applicant and release him on bail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.
- b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.
- c) The procedure for the bail be complied before the Trial Court i.e. Judicial Magistrate, First Class, Jath, District Sangli.
- d) Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)