

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 847 OF 2019**  
**WITH**  
**CRIMINAL APPLICATION NO. 848 OF 2019**  
**IN**  
**CRIMINAL APPEAL NO. 774 OF 2019**

Arvind Kumar Sinha

..Appellant/Applicant

v/s.

The State of Maharashtra and Anr.

..Respondents

-----  
Mr. D.S. Jambaulikar for appellant/applicant.

None for the Respondent No. 2.

Ms. J.S. Lohokare- APP for the State.

-----  
**CORAM : SMT. SADHANA S. JADHAV, J.**  
**DATED : 18<sup>th</sup> JUNE 2019.**

**P.C.**

1. Heard.

2. This is an applications filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon the applicant by the Special Judge (CBI) CBI Special Court, City Civil and Sessions Court, Greater Bombay in CBI Special Case No. 91 of 2013, vide judgment and order dated 15<sup>th</sup> April 2019. The applicant is convicted for the offence punishable under Section 7 of The Prevention of Corruption Act, 1988 read with section 120 B of Indian Penal Code and he is sentenced to suffer rigorous

imprisonment for two years and to pay fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to suffer further simple imprisonment for three months.

3. The learned counsel for the applicant submits that the fine amount is also paid and the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The sentence imposed upon him is short term sentence. It would be appropriate to enlarge the applicant on bail as he would be entitled to the extension of same relief 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, the following order:-

**Order**

- i) The Criminal Applications are allowed.
- ii) The substantive sentence imposed upon the applicant by Special Judge (CBI), vide judgment and order dated 15<sup>th</sup> April 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
- iv) The applicant shall cause his presence before the Special Judge (CBI), once in six months on the date assigned by the learned Special Judge (CBI), City Civil Court, Greater Mumbai.
- v) Upon failure to attend any two consecutive dates,

the Special Judge (CBI) shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vi) The applications stand disposed of.

**(SMT. SADHANA S. JADHAV, J)**