

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

CRIMINAL APPEAL NO.777 OF 2019

Navin Laxman Tamboli Appellant

Vs.

The CBI & Anr. Respondents

Mr. Raju M. Yamgar a/w Mr. Sachin Pinjari a/w Meenal Waksay for the appellant.

Ms. Ameeta Kuttikrishnan for CBI.

Mr. Y.M. Nakhwa, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th June 2019

P.C.:

1 Heard.

2 Admit.

(Smt. Sadhana S. Jadhav, J)

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

**CRIMINAL APPLICATION NO.853 OF 2019
IN
CRIMINAL APPEAL NO.777 OF 2019**

Navin Laxman Tamboli Applicant

Vs.

The CBI & Anr. Respondents

Mr. Raju M. Yamgar a/w Mr. Sachin Pinjari a/w Meenal Waksay for the applicant

Ms. Ameeta Kuttikrishnan for CBI.

Mr. Y.M. Nakhwa, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th June 2019

P.C.:

1 Heard the respective counsel.

2 This is an application under Section 389 Code of Criminal Procedure. The applicant herein is convicted by the Special CBI Court, Greater Mumbai in Special (ACB) Case No.83 of 2012, vide judgment and order dated 16th April 2019, for the offence punishable under Section 12 of Prevention of Corruption Act, 1988. The applicant is sentenced to

suffer rigorous imprisonment for a period of two years and fine of Rs.3,000/-, in default simple imprisonment for two months.

3 Learned counsel for the applicant submits that the sentence imposed upon the applicant is a short term sentence and hence he deserves the extension of same relief during the pendency of the appeal. Learned counsel, Ms. Kuttikrishnan for the CBI submits that this is a case of economic offence and hence, no leniency shall be shown to the applicant. However, since the sentence imposed upon the applicant is a short term sentence, and that substantive sentence has been suspended by the Special Court, upon payment of fine to enable the applicant to approach the High Court, the applicant deserves to be enlarged on bail. However, it is made clear that the suspension of substantive sentence shall not be considered as suspension of conviction. Hence, the following order.

ORDER

- i) The application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 16th April 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

- iv) The applicant shall report to the Court of Special Judge, (CBI) once in six months on the date assigned by the learned Special Judge.
- v) Upon failure to attend any two consecutive dates, the Special Court shall report the same to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.
- vi) Four weeks time is granted for furnishing solvent sureties.

(Smt. Sadhana S. Jadhav, J)