

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICTION NO. 294 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 288 OF 2019

WITH

CRIMINAL APPLICTION NO. 295 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 288 OF 2019

Dilip Vishwanath Sawant

...Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. S.R. Gaud for the Applicant.

Ms. Ameeta Kuttikrishnan for the Respondent CBI.

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

CORAM : A. S. GADKARI, J.

DATE : 7th JUNE, 2019.

P.C.:-

These are the Applications for suspension of substantive sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Section 263 read with Section 34 of the Indian Penal Code and is sentenced to suffer simple imprisonment for one year and to pay a fine of Rs.3,000 by the learned Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai in C.C. No. 744/PW/2009 by its Judgment and

Order dated 26th March, 2013.

The Criminal Appeal No. 257 of 2013 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge and the Special Judge (CBI, ACB), Greater Mumbai by its Judgment and Order dated 24th April, 2019.

3 The learned counsel appearing for the Applicant submitted that, the Applicant has already deposited a fine amount of Rs.3,000/- in the Registry of the Trial Court.

4 As the maximum sentence imposed upon the Applicant is one year of simple imprisonment and the possibility of hearing of the Revision on its own merits in near future is remote, I am inclined to suspend the substantive sentence and release the Applicant on bail.

Hence the following order-

- a) The substantive sentence imposed upon the Applicant is hereby suspended during the pendency of the Revision Application.
- b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

The procedure for bail be complied with before the Trial Court.

- c) After release from Jail, the Applicant shall attend the Trial Court once in three months, on every first Monday between 11.00 a.m. and 2.00 p.m. and to mark his presentee. If the said first Monday is a public holiday/non-Court working day, the Applicant shall mark his presentee on the immediate next working day.

5 Both the Applications are allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)