

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 885 OF 2019
IN
CRIMINAL APPEAL NO. 793 OF 2019

Shailaj Madhukar Shetty

...Appellant

v/s.

The Central Bureau of Investigation, ACB and Anr. ..Respondents

Mr. Raju M. Yamgar a/w Meenal S. Waksay a/w. Mr. Sachin Pinjari
for appellants/applicants.

Mr. H.S. Venegavkar for respondent no.1.

Mr. S.S. Hulke-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 10th JUNE, 2019.

P.C.

1. Heard.

2. This is an application filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence during pendency of the appeal imposed upon the applicant by Special Judge (CBI), Court room No. 53, Greater Mumbai in Special CBI/ACB Case No. 83 of 2012 vide judgment and order dated 16th April 2019. The applicant herein is convicted for the offence punishable under sections 7 and 13 (2) read with Section 13 (1) (d) of Prevention of Corruption Act, 1988 and under sections 465 and 477 (A) of the Indian Penal Code and she is sentenced to suffer R.I. for one year and to pay fine of Rs. 10,000/- (Rupees Ten Thousand only), in default, to suffer S.I. for two months. She is also sentenced

to suffer R.I. for a period of two years and to pay fine of Rs. 15,000/- (Rupees Fifteen Thousand Only), in default, to suffer S.I. for three months.

3. The sentence imposed upon the applicant is short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon her. In view of this, the substantive sentence imposed upon her deserves to be suspended. **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 Application is allowed.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 16th April 2019 in Special CBI/ACB Case No. 83 of 2012 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 her presence before the Special Court (CBI) at Mumbai, once in six months on the date assigned by the learned Special Judge.
- v) Upon failure to attend any two consecutive dates, the learned Special Judge shall make report to the High

Court and the prosecution would be at liberty to seek cancellation of bail.

vi) The appellant is granted four weeks time to furnish sureties.

vii) The application stands disposed of.

Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)