

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 911 OF 2019
IN
CRIMINAL APPEAL NO. 822 OF 2019

Mr. Hussain Dustagir Shaikh ... Appellant

V/s.

The State of Maharashtra ... Respondent

Ms. Tahera Abdul Rashid Qureshi a/w. Mr. Yakub Shaikh for
appellant/applicant.

Mr. S.S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J
DATED : 17th June, 2019.

P.C. :

1. Heard the learned Counsel for the applicant and the
learned APP for State.

2. This is an application under Section 389 of Cr.P.C. The
applicant herein is seeking suspension of sentence imposed upon by
the Additional Sessions Judge vide order dated 17.05.2019 passed in
Special (A.C.B.) Case No. 01/2012 thereby, convicting the applicant
for the offence punishable under Section 7 and 13 (2) of the
Prevention of Corruption Act, 1988 and sentenced him to suffer R.I.
for one year and fine of Rs. 5,000/-, in default S.I. for one month.

The applicant is acquitted for the offence punishable under Section 13(2) of Prevention of Corruption Act, 1988.

3. The sentence imposed upon the applicant is short term sentence. The applicant was on bail during the pendency of trial and has not committed breach of any condition imposed upon him and would be entitled to the extension of same relief during the pendency of the appeal.

4. **It is made clear that suspension of substantive sentence shall not be construed as suspension of conviction.** Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 17/05/2019 by Additional Sessions Judge, Thane in Special (A.C.B.) Case No. 01 of 2012 is hereby suspended. 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.

(iii) The applicant shall mark his presence before the Additional Sessions Judge, Thane once in six months on the date assigned by

the Additional Sessions Judge, Thane. Upon failure to attend any two consecutive dates, the Additional Sessions Court, Thane shall report the same to the High Court and the prosecution is at liberty to move an application for cancellation of bail.

(iv) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)