

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 329 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 326 OF 2019

WITH

CRIMINAL APPLICATION NO. 330 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 326 OF 2019

Ramesh Nandlal Jeswani

...Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Murtaza Najmi I/by Vinod K. Sharma for the Applicant.

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

CORAM : A. S. GADKARI, J.

DATE : 8th JULY, 2019.

P.C.:-

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

2 The Applicant was acquitted for the offences punishable under Sections 406, 420, 465, 467, 468 and 471 of the Indian Penal Code by the learned Additional Chief Metropolitan Magistrate, 11th Court, Kurla, Mumbai in C.C No. 848/PW/208 by its Judgment and Order dated 4th February, 2015.

3 In Criminal Appeal No. 219 of 2016 preferred by the Original Complainant, the learned Additional Sessions Judge, Greater Mumbai, while partly allowing the said Appeal has convicted the Applicant under Section 406 of the Indian Penal Code and is sentenced to undergo rigorous imprisonment for one year and to pay a fine amount of Rs.50,000/-, in default of payment to further undergo simple imprisonment for three months by its Judgment and Order dated 6th June, 2019.

4 Mr. Nazmi, the learned counsel for the Applicant submitted that, the Applicant is aged about 59 years as of today. He further submitted that the Applicant has already deposited the fine amount in the Registry of the Appellate Court. As the maximum sentence imposed upon the Applicant is one year of rigorous imprisonment and the possibility of hearing of the present Revision on 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) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.

- b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.
- c) The procedure for bail be complied before the Trial Court.
- d) After his 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 presence. If the said first Monday is a public holiday/non-Court working day, in that event, the Applicant shall mark his presence on the immediate next working day between 11.00 a.m. and 2.00 p.m.
- e) 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.)