

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

**CRIMINAL APPLICATION NO. 1095 OF 2018
IN
Cr. APPEAL NO. 878 OF 2018**

Shri. Sambhaji Pandu Alias Pandurang Mane	..Applicant
v/s.	
The State of Maharashtra and Anr.	..Respondents

Mr. Umesh Mankapure for the Applicant.
None for Respondent.
Mr. S.S. Pednekar, APP for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 8th MARCH, 2019**

P.C.

1. This is an application filed under Section 389 of Cr.P.C. the applicant herein is seeking suspension of substantive sentence imposed upon the applicant by Additional Sessions Judge, Islampur, in Special Case (Atrocity) No. 7 of 2014, vide judgment and order dated 2nd April 2018, thereby convicting the applicant for the offences punishable under Sections 3 (1) (x) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act and 7(1)(d) of Protection of Civil Rights Act. The Applicant is sentenced to suffer R.I. for six months and to pay fine of Rs. 500/- in default to suffer R.I. for 7 days. The applicant is also convicted for the offence punishable

under Section 7(1)(d) of the Protection of Civil Rights Act, and is sentenced to suffer R.I. for 1 month and to pay fine of Rs. 100/- in default to suffer R.I. for 3 days. The applicant is also directed to pay compensation of Rs. 25,000/- to the complainant, in default to suffer six months R.I.

2. Learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and he has not committed breach of any conditions imposed upon him. Hence, he would be entitled to the extension of some relief during the pendency of the trial. More so, since it is short term sentence. The learned counsel also submits that upon suspension of substantive sentence, the applicant will deposit amount of Rs. 25,000/- within three weeks from today.

3. In view of this, the application deserves to be allowed. The substantive substance imposed upon the applicant is hereby suspended.

4. Hence, the following order:

Order

- i) The Criminal Application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.
- iii) The applicant shall report to Court of Additional Sessions Judge, Islampur, once in six months on the date assigned by the learned Sessions Judge.
- iv) Upon failure to attend any two consecutive dates,

the learned Sessions Court shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

v) The application is allowed and is disposed of.

vi) Needless to say that in view of this order, the interim relief has been confirmed.

vii) The learned Sessions Judge shall report compliance of deposit of Rs. 25,000/-

viii) Upon failure to deposit the amount within four weeks from today, the learned Sessions Court shall issue Non-bailable warrant.

Parties to act on an authenticated copy of the order.

(SMT. SADHANA S. JADHAV, J)