

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 340 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 333 OF 2019**

Prakash Yadu Doke

...Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Nitin Sejpal a/w Smt. Pooja Sejpal for the Applicant.

Smt. J.S. Lohokare, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 7th AUGUST, 2019.****P.C.:-**

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Section 409 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year and to pay the fine amount of Rs.3,000/-, in default of payment of fine to further undergo rigorous imprisonment for one month, by the learned Chief Judicial Magistrate, Raigad-Alibag in Regular Criminal Case No. 221 of 2011, by its Judgment and Order dated 8th May, 2012.

3 The Appeal bearing Criminal Appeal No. 92 of 2012, preferred by the Applicant has been partly allowed by the learned Sessions Judge, Raigad-Alibag, by its Judgment and Order dated 24th June, 2019. The Appellate Court, while confirming the conviction, has reduced the sentence from one year of rigorous imprisonment to three months of rigorous imprisonment.

4 Mr. Sejpal, the learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount of Rs.3,000/- in the Registry of the Trial Court. He further, on instructions, submitted that, out of three months of substantive sentence of rigorous imprisonment, the Applicant, till today, has already undergone two months of rigorous imprisonment.

5 In view thereof, during the pendency of the Revision, the substantive sentence imposed upon the Applicant is hereby suspended and he is released 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 completed before the Trial Court i.e. the Chief Judicial Magistrate, Raigad-Alibaug.

d) The Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)