

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

CRIMINAL APPLICATION NO. 1167 OF 2019

IN

CRIMINAL APPEAL NO. 961 of 2019

Swapnil Charandas Sutar

...Appellant

Versus

The State of Maharashtra

...Respondent

N. S. Mundargi I/b Kunal Ambulkar - Advocate for the appellant
Mrs. J. S. Lohakare – APP for the Respondent - State

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 16th JULY 2019.

P.C. :

Though the appellant has been charged initially with Section 307 and other provisions of IPC, he was eventually, through judgment dated 14.05.2019, convicted for the offences under Section 323 IPC. The Additional Sessions Judge, Thane, in Sessions Case No. 349 of 2016, sentenced the applicant to two months rigorous imprisonment, besides imposing Rs. 5,000/- as fine.

2. As the Trial Court has suspended the sentence for a limited period, now in appeal the appellant wants the Court to

continue the same and enlarge the appellant on bail. The appellant's counsel informs the court that the appellant has already paid the fine and has substantially undergone the sentence. In other words, out of 60 days of sentence the appellant has remained in Judicial custody for more than 40 days.

3. Under these circumstances, the substantive sentence stands suspended and the appellant will remain on bail with the same conditions as imposed by the Trial Court. Thus, Criminal Application No. 1167 of 2019 stands disposed of.

[DAMA SESHADRI NAIDU, J.]