

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 386 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 329 OF 2019**

Mangesh Shiva Pendse

...Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Rahul Kadam for the Applicant.

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

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

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

2 The Applicant has been convicted under Section 394 read with Section 34 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for two years and to pay a fine amount of Rs.1,000/- by the learned Metropolitan Magistrate, 36th Court Mumbai Central, Mumbai in Criminal Case. No. 35/PW/2010 by its Judgment and Order dated 14th September, 2017.

3 The Criminal Appeal No. 729 of 2017 preferred by the Applicant has been dismissed by the learned Additional Sessions

Judge, Greater Bombay, Mumbai by its Judgment and Order dated 19th March, 2019.

4 The learned APP, on instructions from the concerned Officer Mr. Divekar, PSI, MCT, Railway, submitted that, the Applicant is a habitual offender and three other cases are pending against him.

The said cases are:-

- i) C.R. No. 420 of 2002 registered with Mahim Police Station, under Sections 323 and 326 read with Section 34 of the Indian Penal Code;
- ii) C.R. No. 419 of 2005 registered with Santacruz Police Station, under Section 420 read with Section 34 of the Indian Penal Code;
- iii) C.R. No. 285 of 2007 registered with Shivaji Park Police Station, under Sections 324 of the Indian Penal Code read with Sections 37(1)(A), 135 of the Bombay Police Act;

4 In view thereof, the Applicant does not deserve to be released on bail.

The Application is accordingly rejected.

(A.S. GADKARI, J.)