

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 387 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 376 OF 2019

Mr. Shashi Narayan Jadhav

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr. Balwant Salunkhe for the Applicant.

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

.....

CORAM : A. S. GADKARI, J.

DATE : 16th OCTOBER, 2019

P. C. :

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] The applicant is convicted under Section 3 Z(2) and 3 Z-2(6) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and is sentenced to suffer simple imprisonment for one year and to pay a total fine of Rs. 2000/- (Rupees Two Thousand Only), in default of payment of fine to further undergo simple imprisonment for one month, by the learned Metropolitan Magistrate, 41st Court, Shindewadi, Dadar, Mumbai, in Criminal Case No. 15/PW/2015 by its Judgment and Order dated 24th August 2016.

The Criminal Appeal No. 806 of 2016 preferred by the

applicant has been dismissed by the learned Additional Sessions Judge, Greater Mumbai, by its Judgment and Order dated 17th June 2019.

3] Learned counsel for the applicant submitted that, the applicant has already deposited fine amount in the Registry of the Trial Court. He further submitted that, in furtherance of conviction warrant issued against the applicant, the applicant has been taken into custody for undergoing sentence.

4] As the maximum sentence imposed upon the applicant is one year of simple imprisonment and the possibility of hearing the present Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail.

5] Hence, following order :

(i) During the pendency of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the pendency of the present Revision Application, the applicant is released on bail on the following terms and conditions.

(a) 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.

(b) The procedure for bail be complied with before the trial Court.

(c) After his release from jail, the applicant shall attend the trial Court on every first Monday of

every third month between 11.00 am to 2.00 pm and mark his presence. If the said Monday comes on a holiday or non Court working day, the applicant shall mark his presence immediately on the next working day.

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

(A. S. GADKARI, J.)