

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 393 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 381 OF 2019**

Nitin Motilal Jain	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Rohan Sonawane for Applicant.
Mr.R.M. Pethe, APP for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2019.

PC. :

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

2] The applicant is convicted under Section 420 of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.50,000/-, in default of payment of fine to further suffer simple imprisonment for one year by the learned Additional Chief Metropolitan Magistrate, 5th Court, Dadar, Mumbai, by its Judgment

and Order dated 22nd February 2019 in CC No.133/PW/2016.

The Criminal Appeal No. 243 of 2019 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Mumbai, by its Judgment and Order dated 16th June 2019.

3] The learned counsel for the applicant submitted that, out of total sentence of 5 years, the applicant, as of today, has undergone sentence of approximately 3 years and 9 months. He further, on instructions, submitted that, the applicant has not deposited the fine amount till date, however, the applicant is ready and willing to deposit the same before his actual release from jail.

4] In view of the fact that, the applicant has already undergone the more than 2/3rd of the actual sentence 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 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 Revision Application, the applicant

is released on bail on following terms and conditions.

- (a) The applicant be released on bail on his furnishing PR Bond of Rs.15,000/- with one or two local sureties in the like amount.*
- (b) The procedure for bail be complied with before the trial Court.*
- (c) It is made clear that, before his actual release from jail, the applicant shall deposit the said fine amount of Rs.50,000/- in the Registry of the Trial Court.*
- (d) After his release from jail, the applicant shall attend the trial Court on every first Monday of every third month between 11.00 am and 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.]