

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

**CRIMINAL APPLICATION NO. 1302 OF 2019
IN
CRIMINAL APPEAL NO. 1063 OF 2019**

Janardan Harish Handra Kabukar. ..Applicant.

v/s.

The State of Maharashtra. ..Respondent.

Mr. Juanita Menezes i/b. Mr. Kuldeep S. Patil, advocate for applicant.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 27, 2019.

P. C. :

1 Heard the learned Counsel for the applicant and learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1973 seeking suspension of sentence imposed upon the applicant. The applicant herein is convicted by Addl. Sessions Judge-4, Raigad-Alibag in Sessions Case No.

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132 of 2014 for the offence punishable under section 332 of the Indian Penal Code and sentenced to suffer S.I. for 3 years and to pay fine of Rs. 3,000/- I.d. to suffer S.I. for 3 months.

3 The sentence imposed upon the applicant is a short term sentence. The applicant was on bail during the pendency of the trial and has not committed breach of any condition imposed upon him. Hence, he is entitled to the extension of the same relief during the pendency of the appeal.

4 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) Substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the Court of Sessions, Raigad- Alibag once in every 6 months on the date assigned by the Court of Sessions, Alibag-Raigad. Upon failure to attend any

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two consecutive dates, the Court of Sessions, Raigad-Alibag shall report the same to the High Court and the prosecution is at liberty to move for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]