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

CRIMINAL APPLICATION No. 2057 OF 2018
IN
CRIMINAL APPEAL No. 1526 OF 2018

Arvindd Laxman Tele	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Karl Rustom Khan i/b. Mr. Tejas Hilage for Applicant /
Appellant.
Mr. S.S. Pednekar -APP for the State

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JANUARY 11, 2019

P.C.:

1. Heard the respective counsel.
2. This is an application under section 389 of Cr.P.C., seeking suspension of sentence. The Applicant herein is convicted vide judgment and order dated 26.11.2018 passed by the Learned Special Judge, Kolhapur in Special Case No. 4 of 2010 for the offence punishable under section 7, 13 (1) (D) & 13(2) of the Prevention of Corruption Act and sentenced to suffer RI for two years and fine of Rs.20,000/-, in default, further RI for six months.
3. The learned counsel for the Applicant submits that the Applicant was on bail during the pendency of the trial and has not committed any breach of conditions imposed upon him. In view of this, the Applicant deserves extension of the same relief during the pendency of the appeal. It is also submitted that the Applicant has been sentenced to a short term sentence and that there is no

possibility of the appeal being finally heard in the near future.

2. It is made clear that the suspension of substantive sentence shall not be construed as suspension of conviction. Hence, the following order.

ORDER

- (i) The application is allowed and stands disposed of.
- (ii) The substantive sentence imposed upon the Applicant vide judgment and order dated 26.11.2018 passed by the Learned Special Judge, Kolhapur in Special Case No. 4 of 2010 is hereby suspended.
- (iii) The Applicant be enlarged on bail on furnishing P.R. Bond of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iv) The Applicant shall report to the Court of Additional Sessions Judge (Special Court) ACB, Kolhapur once in six months on the date assigned by the Learned Special Judge.
- (v) Upon failure to attend any two consecutive dates, the Special Court shall make report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

[SMT.SADHANA S. JADHAV, J.]