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

CRIMINAL APPLICATION No. 2110 OF 2018
IN
CRIMINAL APPEAL No. 1571 OF 2018

Mayur Anil Jadhav	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Akshay Madan Gosavi for Applicant	
Mr.Y.Y. Dabke -APP	

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : JANUARY 8, 2019

P.C.:

1. This is an application under Section 389 of Cr.P.C. The Applicant herein is convicted vide judgment and order dated 11.12.2018 passed by the Additional Sessions Judge, Palghar for the offences punishable under Sections 332, 353 and 186 r.w. Section 34 of the Indian Penal Code and sentenced to suffer R.I. for two years and to pay fine of Rs.1,000/-, in default, to suffer R.I. for three months.

2. The learned counsel for the Applicant submits that the Applicant was on bail during the trial and has not committed breach of any conditions imposed upon him. The sentence imposed upon the Applicant is a short term sentence and there is no possibility of the appeal being finally heard in the near future. The amount of fine has been deposited. Hence, the applicant deserves extension of the same relief during the pendency of the appeal.

3. In view of the above mentioned facts the substantive sentence imposed upon the applicant deserves to be suspended during the pendency of the appeal. Taking into consideration that the sentence imposed upon the applicant is a short term sentence, it would be fit case for suspension of the substantive sentence. However, 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 11.12.2018 passed by the Additional Sessions Judge, Palghar is hereby suspended.
- (iii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.30,000/- and with one or more sureties in the like amount. The Applicant shall report to the Court of Sessions at Palghar once in six months on the date assigned by the Learned Sessions Judge.
- (iv) Upon failure to attend any two consecutive dates, the Learned Sessions Court shall report to the High Court and prosecution would be at liberty to file an application seeking cancellation of bail.

[SMT.SADHANA S. JADHAV, J.]