

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.742/2019

IN

CRIMINAL APPEAL NO.566/2019

Satish Madhavrao Jadhav and anr

..VS..

State of Mah., thr. PSO Washim City, Taluka and District Washim

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri H.N.Mohta, Counsel for Applicants.
Shri S.S.Doifode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 17, 2019.

1. This is an application for suspension of substantive jail sentence and for grant of bail during the pendency of the present appeal.

2. Heard learned counsel Shri H.N.Mohta for applicants and learned Additional Public Prosecutor Shri S.S.Doifode for the State.

3. By the judgment and order of conviction dated 24.7.2019 passed by learned Special Judge under NDPS and Additional Sessions Judge, Washim in Special NDPS Case No.55/2015, applicants are convicted for offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and directed to suffer rigorous imprisonment for 2 years by each of them and to pay a fine of Rs.25000/- by each of them and in default of payment of

.....2/-

the fine amount to suffer further rigorous imprisonment for 6 months.

4. Learned counsel Shri H.N.Mohta for applicants, submitted that after the impugned judgment, applicants filed an application (Exhibit 58) for suspension of the substantive jail sentence, till appeal period is over. Learned Judge of the Court below, on the very same day, suspended the substantive jail sentence. Copy of the application along with the order is taken on record.

5. Learned counsel Shri H.N.Mohta for applicants, submitted that both applicants have deposited fine amount Rs.25000/- by each of them. He placed photocopy of receipts showing payment of the fine which is taken on record and marked as Exhibit-X for purposes of identification.

6. In view of the aforesaid, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence imposed upon applicants, by the judgment and order of conviction dated 24.7.2019 passed by learned Special Judge under NDPS and Additional Sessions Judge, Washim in Special NDPS Case No.55/2015, shall remain suspended during the pendency of the present appeal.

(c) Applicants shall be released on bail on the same bail as before the Trial Court, however on execution of fresh bonds

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of the same amount before the Court below.

(d) Applicants are directed to attend Washim City Police Station, District Washim once in a month i.e. on 3rd Sunday of every month, till disposal of the present appeal and shall be in the police station from 3:00 p.m. to 5:00 p.m..

(e) If there is a breach for 3 times, it will be open for the prosecution to file an application before this Court for cancellation of the bail and in that event this Court will revoke the order suspending the substantive jail sentence.

(f) Applicants are directed to maintain diary showing their presence in the police station.

(g) Applicants are directed to personally remain present at the time of final hearing of the present appeal.

(h) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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