

**CRIMINAL APPEAL NO.834 OF 2021
WITH
INTERIM APPLICATION NO.2429 OF 2021
IN
CRIMINAL APPEAL NO.834 OF 2021**

...Appellant/Applicant

The State of Maharashtra

...Respondent

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Mr. Pramod Kumbhar i/b. Mr. Priyal G. Sarda for the Applicant.
Mr.S.V. Gavand, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th OCTOBER, 2021.

P.C.:-

CRIMINAL APPEAL NO.834 OF 2021

Heard. Admit. Mr. S.V. Gavand, learned APP waives service of notice on behalf of Respondent -State. Call for the record and proceedings. Paper book to be filed within a period of six months.

INTERIM APPLICATION NO. 2429 OF 2021:-

2. This is an application under Section 389 of the Code of Criminal Procedure, 1973 filed by the Applicant for suspension of substantive sentence imposed vide judgment dated 16/03/2021 passed by the learned Additional Sessions Judge, Solapur, in Sessions Case

No.288 of 2019 and to enlarge the Applicant on bail.

3. Heard learned counsel for the Applicant and learned APP for the Respondent-State. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

4. By the impugned judgment, the learned Additional Sessions Judge, Solapur has held the Applicant guilty of offence punishable under Section 65(f) of Maharashtra Prohibition Act and sentenced to undergo simple imprisonment for a period of three years.

5. Sentence imposed against the Applicant is a short term sentence. The Appeal is already admitted. Considering the large pendency of the appeals and the present situation arising from Covid-19 pandemic, it will not be possible to take up the appeal for final hearing in immediate future.

6. In view of the above facts and also considering the nature of accusation, in my considered view this is a fit case for suspension of substantive sentence. Hence the application is allowed on following terms and conditions:-

(i) The substantive sentence imposed on the Applicant vide

vide judgment dated 16/03/2021 in Sessions Case No.288 of 2019 is suspended pending disposal of the appeal.

- (ii) The Applicant is ordered to be released on bail on furnishing PR bonds for Rs.10,000/- with one or more sureties in the like amount.
- (iii) The Applicant shall attend the Trial Court, once in three months on the day /date specified by the Trial court till the appeal is finally disposed of.
- (iv) The Applicant shall furnish his current address and mobile contact number to the Trial Court.
- (v) In case of two consecutive defaults in attending the Trial Court, the Trial Court shall be at liberty to report to the High Court.

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)