

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL I.A. NO. 451 OF 2021****IN****CRIMINAL REVISION APPLICATION NO. 29 OF 2021**

Jayendra Chandulal Thakkar @  
Jayendra Thakkar

....Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Uzair Kazi a/w Mr. Wasim Qureshi for the Applicant.  
Smt. Rutuja Ambekar, APP for the Respondent No.1-State.  
Smt. A.A. Mane for the Respondent No.2.

**CORAM : A. S. GADKARI, J.**

**DATE : 9<sup>th</sup> FEBRUARY, 2021.**

**P.C.:-**

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 Applicant is convicted under Section 135(1) of the Customs Act, 1962 and is sentenced to suffer simple imprisonment for 3 years and to pay fine of Rs.10,000/- in default of payment of fine, to further undergo simple imprisonment for three months by the learned Additional Chief Metropolitan Magistrate, 3<sup>rd</sup> Court, Esplanade, Mumbai in CC No.15/CW/2006 by its Judgment and Order dated 25<sup>th</sup> June, 2014.

Criminal Appeal No.678 of 2014, preferred by the Applicant is dismissed by the learned Additional Sessions Judge, Greater Mumbai by its

Judgment and Order dated 4<sup>th</sup> December, 2020.

3            Learned counsel for the Applicant submitted that, during the trial, so also during the pendency of the Appeal, the Appellant was on bail and he did not breach any of the conditions imposed upon him. He further submitted that, the Applicant has already deposited the fine amount in the Registry of the Trial Court. The learned counsel with abundant caution, further submitted that, if the Applicant has not deposited the said fine amount till today in the Registry of the Trial Court, he will deposit the same within a period of one week from today.

The sentence imposed upon the Applicant is a short term sentence and the possibility of hearing of the present Revision Application on its own merits in near future is remote. In view thereof, the sentence imposed upon the Applicant can be suspended and the Applicant can be released on bail.

4            Hence the following Order:-

- a)        During the pendency of the present Criminal Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- b)        Applicant be released on bail in CC No.15/CW/2006 on his furnishing PR bond of Rs.25,000/- with one or more local sureties in the like amount.
- c)        The Applicant is directed to furnish cash bail for a

period of six weeks and during the said period, he will comply with the condition of furnishing sureties.

- d) The Applicant is directed to attend the Investigating Agency i.e. the Complainant, initially for a period of one year on every first Monday of the month between 10.00 a.m. and 12.00 noon.

After completion of one year, the Applicant shall attend the Investigating Agency/Complainant on every first Monday of the every 3<sup>rd</sup> Month between 10.00 a.m. and 12.00 noon. The Applicant thus, shall attend Investigating Agency/Complainant 4 times in a year during the pendency of the present Revision Application.

- e) If the Applicant commits two consecutive defaults in complying with condition No. (d) above, in that event, the Investigating Agency/Complainant will be at liberty to file an Application for cancellation of bail.
- f) Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**