

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 648 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 45 OF 2021

Prashant Ashok Punekar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Kuldeep Patil i/b. Mr.Vivek Patil for Applicant.

Mr.A.R. Patil, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 23rd February 2021.

PC. :

This is an application for suspension of sentence and releasing the applicant on bail.

2. The applicant is convicted under Section 279, 338 and 304 Part-A of the Indian Penal Code and is sentenced to undergo maximum simple imprisonment of 1 year and to pay a total fine of Rs.27,000/- by the learned Judicial Magistrate First Class, Pune, in S.C.C. No.29539 of 2017 by its Judgment and Order dated 9th October 2018.

In Criminal Appeal No.585 of 2018 preferred by the applicant, the learned Additional Sessions Judge, Pune was pleased to modify Clause (2) of the Order passed by the Trial Court and the applicant is convicted under

Section 337 of I.P.C. instead of Section 338 of I.P.C. and his sentence on that count is reduced to two months of simple imprisonment, by its Judgment and Order dated 10th February 2021. The Appellate Court has however confirmed the conviction of the applicant on other counts.

3. Learned counsel for the applicant submitted that, the applicant has already deposited entire fine amount in the Registry of the Trial Court. He submitted that, during the pendency of the trial so also in the appeal, the applicant was released on bail and there is no report of breach of any of the conditions.

4. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Revision on its own merits in near future is remote.

5. In view thereof, the sentence imposed upon the applicant can be suspended and the applicant can be released on bail.

Hence, following order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is suspended.
- (ii) The Applicant be released on bail in S.C.C. No.29539 of 2017 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.

- (iii) During the pendency of the present Revision Application, the applicant shall attend Alankar Police Station, Pune on every first Monday of every 3rd month between 10:00 am to 12:00 noon. Thus, the Applicant shall attend Alankar Police Station, Pune four times in a year.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn

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