

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1109 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 95 OF 2021

1. Jignesh Rajendra Bhatt &
2. Ashwin Govardhandas Gohil ... Applicants

V/s.

Central Bureau of Investigation & Anr. ... Respondents

Mr.Subhash Jha a/w. Mr.Harekrishna Mishra i/b. Law Global for Applicants.
Ms.Ameeta Kuttikrishnan for Respondent No.1-CBI.
Mr.S.S. Hulke, A.P.P. for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 6th April 2021.

PC. :

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

2. Heard Mr.Jha, learned counsel for the Applicants, Ms.Kuttikrishnan, learned counsel for Respondent No.1-CBI and Mr.Hulke, learned A.P.P. for Respondent No.2-State.

3. The Applicants are original Accused Nos.2 and 3 in C.C. No.1042/PW/2009 (Old C.C. No.6/P/1999).

The Applicants have been convicted under Section 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code and were directed to suffer maximum simple imprisonment for 3 years each and to pay a total fine of Rs.30,000/- each by the Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai in C.C. No.1042/PW/2009 (Old C.C. No.6/P/1999).

Criminal Appeal No. 614 of 2011 filed by the Applicants has been partly allowed by the learned Special Judge (CBI), Gr. Mumbai by its Judgment and Order dated 2nd March 2021. The Appellate Court by its impugned Judgment and Order dated 2nd March 2021 has confirmed the conviction and sentence of the Applicant No.1 Jignesh Rajendra Bhatt. The Appellate Court has also confirmed the conviction of Applicant No.2 Ashwin Govardhandas Gohil, however modified the substantive sentence imposed upon him by the Trial Court from 3 years to 6 months of simple imprisonment for the offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code.

4. Mr.Jha, learned counsel for the Applicants, on instructions, submitted that, the Applicants have already deposited the entire fine amount in the Registry of the Trial Court. He on instructions further submitted that, the Applicants were on bail during trial so also during the pendency of the appeal and there is no report of breach of any of the conditions imposed upon them.

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

6. Hence, the following Order :-

- (i) During the pendency of the present Appeal, the substantive sentence imposed upon the Applicants is suspended.
- (ii) The Applicants be released on bail in C.C. No.1042/PW/2009 (Old C.C. No.6/P/1999) on their furnishing P.R. bond of Rs.25,000/- each, with one or two local sureties in the like amount.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]