

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2323 OF 2021
IN
APPEAL NO. 787 OF 2021
WITH
INTERIM APPLICATION NO. 2324 OF 2021
IN
APPEAL NO. 787 OF 2021**

Ram Morey ..Appellant/Applicant
(Org. Accused No.7)

v/s.

The State of Maharashtra & Anr. ..Respondent/s

Mr. Ashish Chavan i/b. Kunal Shinde a/w. Jayesh Bhosale for the Applicant.

Mr. P.H.Gaikwad APP for the Respondent-State.

Mr. Kuldeep Patil for the Respondent No.2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd NOVEMBER, 2021.**

P.C.

1. The applicant has filed this application for suspension of sentence of imprisonment as well as for suspension of sentence of fine of Rs.23,00,000/-. Imposed by judgment dated 30.08.2021 in CBI Special Case No. 75 of 2011.
2. Heard learned Counsel for the Applicant and the learned Counsel for the Respondent CBI.
3. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

4. The Applicant who was Accused No.7 in Special Case No.75 of 2011 was tried for offences under Section 420, 468, 471 r/w. 120B of IPC and 13(1)(d) r/w. 13(2) of the Prevention of Corruption Act, 1988. By the impugned judgment the Applicant has been held guilty and sentenced to undergo maximum sentence of rigorous imprisonment for 3 years with total fine of Rs.23,00,000/-.

5. The sentence of imprisonment is a short term sentence. Considering the large pendency of cases as well as the present situation arising from COVID 19 pandemic, it will not be possible to take up the appeal for hearing in the immediate future. Hence this is a fit case for suspending of substantive sentence.

6. Learned Counsel for the Applicant states that the Applicant has deposited an amount of Rs.12,50,000/- before the trial Court. Since more than 50% of the fine amount has been deposited before the trial Court, sentence of fine is also suspended pending hearing of the appeal. Hence the following order:

- i) Sentence imposed against the Applicant by judgment dated 30.08.2021 in CBI Special Case No. 75 of 2011 is suspended pending hearing of the appeal;
- ii) The Applicant is ordered to be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only)

with one or two solvent sureties in the like amount;

iii) The applicant shall report to the Trial Court once in two months on the day/ date specified by the Trial Court, till the Appeal is finally disposed on;

(iv) The applicant shall keep the trial Court informed of his current address and mobile/contact numbers and/or change of residence or mobile details, if any, from time to time.

v) If there are two consecutive defaults in appearing before the trial Court, the learned Judge shall make a report to the High Court and the prosecution would be at liberty to file application seeking cancellation of bail.

. Application is accordingly disposed of.

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(ANUJA PRABHUDESSAI, J.)