

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2747 OF 2021
IN
CRIMINAL APPEAL NO. 922 OF 2021**

Pragnesh Pravinchand Mehta ..Applicant

v/s.

The State of Maharashtra ..Respondent

Mr. Ankush Dhakale for the Appellant.
Mr. S.V.Gavand, APP for the Respondent-State.
Mr. Kuldeep Patil for the Respondent No.2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th NOVEMBER, 2021.**

P.C.

1. By this application under Section 389 of Cr.PC., the applicant has sought suspension of sentence imposed vide judgment and order dated 12.10.2021 in Special Case No.1 of 2017. By the impugned judgment the learned Special Judge (CBI) Gr. Bombay has held the Applicant guilty of offences under Section 120B, and 420 r/w. 120B of IPC.

2. Heard the learned Counsel for the Applicant and the learned Counsel for CBI. I have perused the record and considered the

submissions advanced by the learned Counsels for the respective parties.

3. The sentence imposed against the Applicant is a short term sentence. The appeal has been admitted. The appeal is of the year 2021. Considering the large pendency of old cases and the present situation arising from COVID 19 pandemic, it will not be possible to take up the appeal for final hearing in the immediate future. Hence the substantive sentence of imprisonment is suspended pending hearing of appeal.

4. Learned Counsel for the Applicant has also prayed for suspension of sentence of fine. Under instructions, he makes a statement that 50% of the fine amount will be deposited in the trial Court within a period of four weeks from the date of this order. The statement is accepted. In the light of the said statement, execution of default sentence of fine is suspended pending the appeal.

5. The application is allowed on the following terms and

conditions:-,

- i) Sentence imposed against the Applicant by judgment and order dated 12.10.2021 in Special Case No.1 of 2017 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.15,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court;
- iii) Sentence of fine is suspended pending the appeal subject to the Applicant depositing 50% of the fine amount before the trial court within four months from the date of this order. It is made clear that in the event the Applicant fails to deposit the amount within four months from the date of this Order, suspension of sentence of fine shall stand revoked without further reference to the Court.
- iv) 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 of;
- v) 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.)