

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.172 OF 2021

Sanjay s/o. Anandrao Nimbhorkar

...**Versus**...

The State of Maharashtra, through P.S.O. Police Station
Babhulgaon, ACB, Yavatmal.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. R. M. Daga, Advocate for Appellant/Applicant.
Shri. I. J. Damle, APP for respondent/State.

CORAM : **N. B. SURYAWANSHI, J.**

DATED : **20th APRIL, 2021.**

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard.

Admit.

3. Call for Record and Proceedings.
4. The learned Addl. Public Prosecutor waives service for respondent/State.

CRIMINAL APPLICATION NO.267 OF 2021.

5. This is an application for suspension of sentence and for grant of bail filed under Section 389 of the Code of Criminal Procedure. The applicant herein is convicted for the offence punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act,

1988 (for short, "the said Act") and under Section 7 of the said Act, the applicant is sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.500/- (Rs. Five Hundred Only) and in default of payment of fine to suffer rigorous imprisonment for one month and under Section 13(2) read with Section 13(1) (d) of the said Act, the applicant is also sentenced to suffer rigorous imprisonment for three years and is directed to pay a fine of Rs.500/- (Rs. Five Hundred Only) and in default of payment of fine to suffer rigorous imprisonment for one month.

6. After conviction, the learned trial Court has suspended the sentence of the applicant in terms of provisions of Section 389 of the Code of Criminal Procedure. The applicant has deposited the fine amount of Rs.1,000/-. The applicant was on bail during the trial and has not misused the facility of the bail. Hence, the following order :

- i) The criminal application is **allowed**.
- ii) The substantive sentence of imprisonment imposed on the applicant by the learned Sessions Judge, Yavatmal in Special ACB Case No.8 of 2014, is hereby suspended on applicant executing the P.R. Bond of Rs.15,000/- with one surety in the like amount.
- iii) Criminal application is disposed of.

(N. B. SURYAWANSHI, J.)