

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

CRIMINAL APPEAL NO. 273/2021

GIRIDHAR S/O YADAVRAO PAWADE **VERSUS** STATE OF MAHARASHTRA

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A. D. Tote, Advocate appellant.
Shri H. D. Dubey, APP for respondent/State.

CORAM : VINAY JOSHI, J.

DATE : 14.07. 2021.

Hearing was conducted through Video
Conferencing.

2. Heard.

3. **Admit.**

4. Learned APP waives service of notice for
respondent/State.

5. Call for R. and P.

CRIMINAL APPLICATION NO. 382/2021

6. The appellant/applicant is seeking for
suspension of execution of sentence passed in Special

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Case (ACB) No. 03/2009 whereby the Trial Court convicted the applicant/accused for the offence punishable under Section 7 and 13(2) of the Prevention of Corruption Act, 1988. The maximum sentence imposed is to suffer rigorous imprisonment for one year and total fine of Rs. 3,000/- has been imposed. The entire fine amount has been deposited in the Trial Court. Post conviction, the Trial Court by exercising its jurisdiction under Section 389(3) of the Code of Criminal Procedure, has suspended the execution of sentence till appeal period. Having regard to the fact that the maximum punishment is of two years and the non-possibility of reaching the matter for final hearing in proximity, the execution of sentence can be suspended. Hence, following order:-

(I) Application stands allowed.

(II) Execution and implementation of sentence passed in Special Special Case (ACB) No. 03/2009 is hereby suspended till final disposal of appeal.

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(III) In the meantime, the appellant/applicant be released on bail on the same terms and conditions as imposed by the Trial Court while suspending the sentence after conviction.

JUDGE

Gohane.