

3. The applicant vide Judgment and Order dated 12th February 2019, passed by learned Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai, in C.C. No.33/CW/1995 was convicted for the offences punishable under Sections 135 (1)(a) r/w 135 (1)(i) of the Custom Act and was sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.10,000/-, in default, to further undergo rigorous imprisonment for 1 month. The applicant was further convicted for the offences punishable under Sections 135 (1)(b) r/w 135 (1)(i) of the Custom Act and was sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.10,000/-, in default, to further undergo rigorous imprisonment for 1 month. In addition to the aforesaid, the applicant was also convicted for the offence punishable under Section 132 of the Custom Act and was sentenced to undergo rigorous imprisonment for 6 months and to pay a fine of Rs.5,000/-, in default, to further undergo rigorous imprisonment for 1 month. All the aforesaid sentences were directed to run concurrently. The aforesaid Judgment and Order was confirmed by the learned 1st Additional Principal Judge and Special Judge, MCOCA/POTA/NIA/TADA, Greater Mumbai, in Criminal Appeal No.234 of 2019, vide Judgment and Order dated 22nd December, 2021.

4. The Revision Application has been admitted by a separate order passed today and the same is not likely to come up for the hearing in the immediate near future. The sentence imposed is a short term sentence. There is nothing on record to show that the applicant whilst on bail has misused or abused the liberty granted to him.

5. Considering the aforesaid, the application is allowed and the applicant's sentence is suspended and he is enlarged on bail, pending the hearing and final disposal of his Revision, on the following terms and conditions :

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.20,000/-, for a period of eight weeks;
- ii) The Applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

iii) The Applicant shall report to the trial Court, once in six months on the day/date specified by the trial Court, till his Appeal is finally disposed of;

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

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.