

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

INTERIM APPLICATION NO.99 OF 2022

(FOR SUSPENSION OF SENTENCE)

ALONGWITH

INTERIM APPLICATION NO.98 OF 2022

(FOR BAIL)

IN

CRIMINAL APPEAL NO.20 OF 2022

Dr. Abdul Wahab Haji Dawood Mirza] Applicant.

Vs.

The Central Bureau of Investigation & Anr.] Respondent.

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Mr.Sandeep Karnik i/b Mr.Rohan Bhosle, Advocate for applicant in both interim applications.

Mr.Kuldeep Patil, Special Public Prosecutor for CBI-respondent.

Ms. Sultana Sonawane, APP for the State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 13th JANUARY, 2022.

[THROUGH VIDEO CONFERENCE]

PC.:

1. This is an application u/s 389 of the Criminal Procedure Code, for suspension of substantive sentence, pending the appeal.

2. The applicant has been convicted and sentenced by the Special Judge, C.B.I., Mumbai of the offences punishable under Sections 7, 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act and Section 120-B of the Indian Penal Code. He has been sentenced to undergo rigorous imprisonment for 2 years on each count, *inter alia* directing him to pay a

fine of Rs.20,000/-. It is submitted by the learned Counsel for the applicant that the applicant has deposited fine amount in the trial Court. However, since the applicant could not furnish solvent surety to the satisfaction of the Special Court, he has been enlarged on furnishing cash security to the tune of Rs.15,000/-.

3. Mr.Kuldeep Patil, learned Special Public Prosecutor, appearing for the Central Bureau of Investigation has no objection in suspending the sentence pending the appeal.

4. As such, substantive sentence awarded by the Special Judge, C.B.I., Mumbai, stands suspended, pending the appeal, upon the applicant furnishing fresh Personal Bond in the sum of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the Special Court, C.B.I., Mumbai.

5. Applicant shall not leave the jurisdiction of this Court without seeking prior permission.

6. Applicant shall furnish his residential address and cell number to the Investigating Officer within a week from today.

7. Applicant shall also deposit his Passport, if any, with the Registrar of this Court.

8. Both the applications stand disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

