

Digitally signed
by RUPALI
RAJESH
WAKODIKAR
Date:
2022.03.25
16:15:48
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 991 OF 2022
(FOR SUSPENSION OF SENTENCE)
ALONGWITH
CRIMINAL INTERIM APPLICATION NO. 990 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 135 OF 2022

Suraj Mohan Kapoor	...Applicant
Versus	
Central Bureau of Investigation	...Respondent

Mr. Manish Mazgaonkar for the Applicant.

Mr. Hiten S. Venegavkar for the Respondent No.1/CBI.

Mr. A.D.Kamkhedkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 25th MARCH, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. By these applications, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his revision application.

3. The applicant, vide judgment and order dated 28th February, 2017 passed by the learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai, in C.C.No.1047/PW/2009 (First Old No. 8/P/1995, Second Old No. 8/CP/1998), has been convicted and sentenced as under :-

- for the offence punishable under Section 420 of the Indian Penal Code to suffer rigorous imprisonment for 3 years and to pay fine of Rs.25,000/-, in default to undergo further simple imprisonment for 3 months;
- for the offence punishable under Section 120-B of the Indian Penal Code to suffer rigorous imprisonment for 6 months and to pay fine of Rs.10,000/-, in default, to undergo further simple imprisonment for one month;

All the substantive sentences were directed to run concurrently.

4 The said judgment and order of conviction and sentence was upheld by the learned Special Judge, CBI, Greater Mumbai and as such, the appeal preferred by the applicant, was dismissed vide judgment and order dated 7th March, 2022 passed in Criminal Appeal No. 205 of 2017.

5. It is not in dispute that the applicant was on bail pending trial as well as during the appeal period and has not abused or misused the liberty granted to him. The sentence awarded is a short term sentence. The Revision Application has been admitted by a separate order passed today in the aforesaid Revision Application. The same is not likely to be heard in the immediate near future.

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

ORDER

- i) The applicant be released on cash bail in the sum of Rs.25,000/-, for a period of six weeks;
- ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

- iii) The applicant shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.
7. The applications are accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.