

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3166 OF 2022

Pravesh Pandey

Petitioner

versus

The Flag Officer Commanding In Chief
Western Naval Command and others

Respondents

Mr.PK.Sanghrajka with Mr.Shirish Sawant, S.R.Samel, Tanvi Sawant
i/by Rajeev Sawant & Associates, Advocate for petitioner.

Ms.A.S.Pai, Advocate for respondent no.1.

Mr.Arfan Sait, APP, for State.

Lt.Cdr.Asghar Khan, Deputy Judge Advocate, present in Court.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th September 2022

PC :

1. The petitioner has been convicted for the offences under Sections 68 and 74 of Navy Act 1957 and awarded punishment of rigorous imprisonment of 12 calendar months, dismissal from Naval services, reduction in Rank to Sea-I (ME-I), Deprivation of First & Second Good conduct Badge and to suffer other consequential penalties involved.

2. The petitioner had challenged the said sentence by preferring appeal before Armed Forces Tribunal. The application for suspension of sentence has been rejected by order dated 29th July 2022. The petitioner is aggrieved by said order. It is submitted that petitioner has good case on merits. The sentence is of 12 months. The petitioner is in custody from 12th April 2022 and undergone sentence of five months imprisonment.

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3. Learned counsel for respondent no.1 submitted that appeal preferred by petitioner is pending. While convicting and awarding sentence the authority has considered material against him.

4. It is pertinent to note that sentence is of 12 months. It is pointed out that appeal is listed for final hearing in December-2022. The petitioner has already undergone imprisonment of five months. Considering the facts, sentence can be suspended.

ORDER

(i) The sentence of imprisonment awarded by Court Martial of Indian Navy, INS Angre, vide order dated 12th April 2022 by against petitioner is suspended and petitioner is directed to be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The petitioner is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of twelve weeks;

(iii) The bail bond shall be executed before jail authority where the petitioner is presently detained;

(iv) The petition is disposed off.

(PRAKASH D. NAIK, J.)

MST