

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO.232 OF 2022

Mr. Ramesh S/o Durgadas Shambharkar

Versus

State of Maharashtra, through P.S.O., P.S. Umred, Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.M. Vishwarupe, Advocate for the appellant/applicant.

Shri T.A. Mirza, A.P.P. for the respondents/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/04/2022

1. Heard.
2. **Admit.**
3. Call record and proceedings.
4. Shri Mirza, learned APP waives service of notice to the respondents/State.

CRIMINAL APPLICATION(APPA) NO.287 OF 2022

5. This is an application for suspension of sentence and grant of bail.

6. The learned trial Court has convicted the appellant for the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act. Under Section 7 of the Prevention of Corruption Act, the applicant is directed to suffer Rigorous Imprisonment for 1 year and to pay fine of Rs.5,000/- in default of payment of fine, the appellant shall undergo Simple Imprisonment for

three months. The appellant is further convicted for the offences punishable under Sections 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and directed to suffer Rigorous Imprisonment for a term of 1 year and to pay fine of Rs.5,000/- in default of payment of fine to suffer Simple Imprisonment for three months.

7. Having gone through the judgment and order impugned, I am of the opinion that reappreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- a) The criminal application is **allowed**.
- b) The substantive sentence imposed by the learned Additional Sessions Judge-2, Nagpur in Special (ACB) Case No.08 of 2013 vide judgment and order dated 25.03.2022, is suspended till disposal of the appeal.
- b) The appellant/applicant shall be released on bail on his executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]