

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

CRIMINAL APPEAL NO. 800 OF 2022

Rahul S/o Baliram Tayde and another .Vs. State of Maharashtra, through Anti
Corruption Bureau, Washim Tal. & Dist. Washim

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

Court's or Judge's Order

Shri N.B. Kalwaghe, Advocate for the applicants.
Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/11/2022

1. Heard.
2. **Admit.**
3. Call record and proceedings.
4. Ms Shamsi Haider, learned APP waives service of notice to the non-applicant/State.
5. Learned counsel for the applicants shall remove office objections.

CRIMINAL APPLICATION(APPA) NO.1028 OF 2022 &
CRIMINAL APPLICATION (APPA) NO.1029 of 2022

6. This is an applications for suspension of sentence.
7. The applicant No.1-**Rahul Baliram Tayade** was convicted under Section 248(2) of the Code of Criminal Procedure for the offence punishable under Section 7 of the

Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for four years with fine of Rs.10,000/- and in default of payment of fine, he suffer rigorous imprisonment for six months. He further convicted for the offence punishable under Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for four years with fine of Rs.10,000/- and in default of payment of fine, he suffer rigorous imprisonment for six months.

The applicant No.2-**Bhaskar Prabhakar Guthe** was convicted under Section 248(2) of the Code of Criminal Procedure for the offence punishable under Section 12 of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for eighteen months with fine of Rs.5,000/- and in default of payment of fine, he suffer rigorous imprisonment for three months.

8. The learned trial Court vide order dated 09.11.2022, suspended the sentence till the appeal period is over.

9. In that view of the matter and after going through the impugned judgment, I am of the opinion that it is necessary to re-look the matter afresh.

10. Both applications are **allowed** and sentence imposed by the learned Additional Sessions Judge, Washim in Spl. ACB Case No.06 of 2010 vide judgment dated 09.11.2022,

is suspended till disposal of the appeal and applicants shall be released on bail on his executing P.R. Bond for Rs.15,000/- each with one solvent surety in the like amount for each of the applicants.

Both criminal applications are **disposed** of, accordingly.

JUDGE