

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**902 CRIMINAL APPLICATION NO. 565 OF 2023
IN CRIMINAL APPEAL NO.106 OF 2023**

**PRAVIN JANARDAN KARNE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Rahul S. Pawar, Advocate for the applicant
Mr. S. R.Yadav-Lonikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th FEBRUARY, 2023

P. C.

1. Heard.
2. Issue notice to the respondents, returnable forthwith.
Learned APP waives service of notice for the respondents/State.
3. This is an application seeking suspension of substantive sentence awarded by the learned Special Judge ACB and learned Additional Sessions Judge, Shahada dated 07-01-2023 in Special Case No. 09/2014. The applicant is held guilty of the offences punishable under Sections 7 and 13 (2) of the Prevention of Corruption Act. He is directed to suffer simple imprisonment for one year and to pay fine of Rs.5000/- and in default to suffer simple imprisonment for two months for the

offence punishable under Section 7 of the Prevention of Corruption Act and also he is further directed to suffer simple imprisonment for two years and to pay fine of Rs.5000/- and in default to suffer simple imprisonment for two months for the offence punishable under Section 13(2) of the Prevention of Corruption Act.

2. Learned advocate for the applicant submits that during the trial the accused was on bail. There is no allegation that he has misused the liberty while he was on bail. Sentence is short sentence of two years. On the date of conviction his substantive sentence is suspended. He has already paid the fine amount in the trial court. He further submits that looking to the pendency of the appeal, the appeal is not likely to be heard in near future and prays for suspension of substantive sentence.

3. Learned APP opposes the application saying that the applicant is convicted for the offences under the Corruption Act.

4. In view of the submission and the fact that sentence is short sentence and the sentence is already suspended, this court finds that it would be in the interest of justice to suspend the substantive sentence pending the appeal. Therefore, the following order:-

ORDER

- a] The criminal application stands allowed.
- b] Substantive sentence as awarded by the learned Sessions Judge, ACB and learned Additional Sessions Judge, Shahada by the judgment and order dated 07-01-2023 in Special Case No. 09/2014 is hereby suspended pending the appeal.
- c] The applicant be released on bail on furnishing PR bond of Rs.15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount on the following conditions:
- i] The applicant shall provide the contact details like mobile and address, in case of any change to the concerned police station.
- d] Parties to act upon authenticated copy of this order.

[KISHORE C. SANT, J.]