

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

10 CRIMINAL APPLICATION NO.3678 OF 2023
IN APEAL/888/2023

CHANDRASEN DNYANOBA SURWASE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants :Mr. Kunal R. Yadav h/f Mr. S. J. Salunke
APP for Respondent-State: Mr. R. D. Sanap

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03/10/2023.

P. C. :

1. Heard.
2. Issue notice to respondent. Learned A.P.P. waives service for respondent State.
3. Heard rival submissions.
4. The applicant, who is original accused, is seeking suspension of his substantive sentence of imprisonment for 2 years under section 7 of E. C. Act, 1988 and 3 years under Section 13(1)(d) r.w. 13(2) of E. C. Act, 1988 in Special ACB Case No.11 of 2014 imposed by learned Special Judge, Beed under judgment and order dated 31/08/2023.
5. The learned A.P.P. strongly opposed the application on the ground that the conviction is recorded by the learned Special Court after considering the entire evidence on record. However, it appears that the present applicant / accused was on bail throughout the trial. Moreover, he has also paid the fine amount and learned trial Court has also released him on bail after

conviction vide order dated 31/08/2023. In view of the same, following order is passed

ORDER

- (i) The application is hereby allowed and substantive sentence of imprisonment for 2 & 3 years as mentioned above in Special (ACB) Case No.11 of 2014 imposed upon the applicant, is hereby suspended during the pendency of this appeal.
- (ii) The applicant be released on bail on execution of his P.R. & S.B. for Rs. 25,000/- each.
- (ii) Bail in lower Court.
- (iii) Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)