

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.809 OF 2023
(FOR SUSPENSION OF SENTENCE)

IN

CRIMINAL REVISION APPLICATION NO.60 OF 2023

Kailas Mahalingappa Rajmanya .. Applicant

v/s.

The State of Maharashtra .. Respondent

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Mr. Ramdas H. Patil, for the Applicant.

Mr. R.M. Pethe, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 2 MARCH 2023.

P.C:-

Heard. Issue notice to the Respondent in revision application, returnable on 30 March 2023. Learned APP waives notice for the Respondent State. Call R & P.

2. The Applicant has been convicted for offences punishable under Sections 409, 467, etc. and, therefore, sentenced to suffer imprisonment for five years. The State preferred an appeal for enhancement of sentence. The appellate court allowed the appeal enhancing the sentence from five years to seven years. It is informed

that the Applicant is in jail for little over three years and five months. As such, half of the sentence he has already undergone. Learned APP has strong objection to grant suspension of execution of substantive sentence. According to him, the victim was a practising Advocate. The Applicant was a Bank Manager.

3. Learned Advocate for the Applicant also informed that the Applicant has lost his job. Since it will take time for the revision to come up for hearing, there is no reason to keep the Applicant behind the bars when he is in jail for half of the term of imprisonment imposed against him.

4. In view of the above, the execution of substantive sentence of imprisonment of the Applicant to stand suspended, pending the revision application. The Applicant be released on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand only) and Surety Bond in the like amount.

5. Application for suspension of sentence (Interim Application No.809 of 2023) stands disposed of.

(R.G. AVACHAT, J.)