

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3826 OF 2023
IN
CRIMINAL APPEAL NO. 1161 OF 2023**

Pravin Krishna Marale ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Aditya Sharma a/w Ms. Priya Maurya i/by Mr. Aniket A.
Tawde - Advocate for the Applicant

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 28th NOVEMBER, 2023

P. C. :-

1. Heard learned Advocate for the Applicant-accused and learned APP.
2. Applicant is convicted by the Court of the Special Judge, Satara for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 to rigorous imprisonment for three years and fine of Rs. 5,000/-. Furthermore, he is convicted for the offence punishable under Section 13(2) of the Prevention of Corruption Act, 1988 to rigorous imprisonment of three years and fine of Rs. 5,000/-. The fine amount is already deposited in the trial Court. The sentence was suspended by the trial Court on 26/09/2023. There are four witnesses

examined. They are as follows:-

- (i) De-facto Complainant TYPE THEIR NAMES.
- (ii) Panch
- (iii) Sanctioning authority and
- (iv) Investigating Officer.

3. Learned Advocate for the Applicant invited my attention to the certain inconsistencies in between the evidence of the de-facto Complainant and trap panch. According to him, the trap panch was not there at the time of the trap as deposed by the de-facto Complainant.

4. Whereas learned APP invited my attention to the findings given by the trial Court. Accused was working as Clerk-cum-Typist in the office of the MIDC, Satara. He demanded Rs. 15,000/- towards illegal gratification for issuing NOC to the de-facto Complainant. The Applicant is resident of Sangli. He was on bail during the trial. He undertakes that he will attend the hearing of the appeal as and when required.

5. I find no reason to reject the prayer for suspension of the sentence. In view of that following order is passed:-

ORDER

- (i) The substantive sentence of the imprisonment is suspended during pendency of the appeal on furnishing the personal bond and surety bond of Rs.

25,000/- before the trial Court. It be furnished within one month from today.

- (ii) The Applicant is directed to intimate this Court about change of his residential address, if any.

6. Interim application is disposed of.

[S. M. MODAK, J.]