

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4673 OF 2023
IN
CRIMINAL APPEAL NO.1395 OF 2023

Eknath Shivaji Gawas

...Applicant

V/s.

State of Maharashtra & Anr.

...Respondents

Mr. A. S. Khandeparkar, Senior Advocate a/w Rohit P. Mahadik & Rushikesh G. Bhagat i/b Khandeparkar & Associates, for the Applicant.

Mr. A. R. Patil, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.
DATED : DECEMBER 21, 2023

P.C.:

- 1.** The Interim Application is taken out for suspension of substantive sentence and conviction by the Judgment and Order dated 31st October 2023 passed by the learned Sessions Judge, Sindhudurg-Oros in Sessions Case No.30 of 2021.
- 2.** The Applicant is convicted by the learned Sessions Judge, for the offence punishable under Sections 353 and 332 of the *Indian Penal Code, 1860* and sentenced to three months imprisonment. Admittedly, the sentence is very short and the Appeal preferred by the Applicant is not likely to be heard in the near future.

3. The Supreme Court in the decision of *Bhagwan Rama Shinde Gosavi & Ors. v. State of Gujarat*¹ has held that unless there are exceptional circumstances, the prayer for suspension of sentence can be considered by the Appellate Court liberally. The record does not indicate any exceptional circumstances.

4. Accordingly, the Interim Application is disposed of by passing the following Order :

- (1) Substantive sentence of imprisonment imposed vide Judgment and Order dated 31st October 2023 passed by the learned Sessions Judge, Sindhudurg-Oros in Sessions Case No.30 of 2021 is suspended during the pendency of the Appeal.
- (2) Applicant-Eknath Shivaji Gawas be released on bail on executing PR Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.
- (3) The Applicant to furnish his permanent / present residential address and contact details to the Police Inspector of Dodamarg Police Station, Sindhudurg.

5. The Interim Application is disposed of in the above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

¹ (1999) 4 SCC 421