

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1335 OF 2023
IN
APPEAL NO.419 OF 2023

Mehul Ghatalia] .. Applicant
vs.
Superintendent of Police & Anr.] .. Respondents

Mr.Mohan Khatavkar a/w Jayesh Pawar for the Applicant.

Mr.Shreeram Shirsat a/w Amandeep Singh Sra for Respondent No.1-CBI.

Ms.Anamika Malhotra, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 12th April, 2023

P.C.

1] By the present Application, the Applicant seek suspension of sentence imposed on him under the impugned Judgment dated 09.03.2023 in CBI Special Case No.60 of 2004, by which the Applicant/ Accused No.6 is convicted for committing offence punishable under Section 420, 468 read with 120-B of the IPC and sentenced to suffer RI for 6 months for each of the offence and to pay fine of Rs.10,000/- for each offence, in default to undergo RI for one month for each offence. All the substantive sentences are directed to run concurrently.

2] Heard the learned counsel for the Applicant and the learned counsel for CBI.

3] The learned counsel for the Applicant would submit that illegality and perversity of the impugned Judgment is the subject matter of Appeal and specific grounds to that effect has been impleaded in the Appeal, which deserve consideration.

4] Since the Appeal is already admitted and the sentence imposed is of short term, in the wake of decision in the case of **Bhagwan Rama Shinde Gossai and Ors. vs. State of Gujrat**¹ since no exceptional grounds are made for not suspending the sentence, the Interim Application deserve to be allowed.

The sentence imposed on the Applicant by the impugned Judgment stand suspended during the pendency of the Appeal.

It is informed that the applicant was on bail during the course of trial and after the impugned Judgment was passed the learned Special Judge on 09.03.2023 has released him on bail on execution of PR Bond of Rs.15,000/- with surety of like amount.

The said order shall continue to remain in force till the Appeal is heard.

Interim Application is disposed off in the aforesaid terms.

[BHARATI DANGRE, J]

¹ (1999)4 SCC 421