

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.892 OF 2023
WITH
INTERIM APPLICATION NO. 2887 OF 2023
IN
CRIMINAL APPEAL NO.892 OF 2023
WITH
INTERIM APPLICATION NO.2886 OF 2023
IN
CRIMINAL APPEAL NO.892 OF 2023
(order corrected as per order dated 31/08/2023)**

Rajendragiri Goswami @ Raju Bhai .. Appellant/Applicant
Versus

Union of India and anr. .. Respondents

...

Mr. Madhusudan Pareek, for the appellant & applicant.
Mr. H.S. Venegaonkar, for respondent no.1. UOI.
Mr. S.S. Holke, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 21st AUGUST, 2023**

P.C:-

- 1 Admit.
- 2 Mr. Venegaonkar waive notice on behalf of respondent no.1. Learned APP waive notice for respondent no.2.
- 3 Call for record and proceedings.

Interim Application No.2886/2023 and 2887/2023

1 The appellant stand convicted for committing an offence under Section 7 and 13(1)(d) r/w 13(2) for the Prevention of Corruption Act. On being convicted, he is sentenced to suffer RI for three years and to pay a fine of Rs. 25,000/- in default to suffer SI for 6 months for conviction under Section 7 as well as Section 13 (1) (d) (ii) read with Section 13(2). Both substantive sentences are directed

to run concurrently.

2 The learned counsel for the applicant would submit that his appeal being admitted, on the grounds raised in the appeal memo deserve consideration but pending the same, since he has good case on merits and since the applicant was on bail throughout the proceedings before the Special Court when he was tried for the offences, he was on bail and he never misused the liberty.

 The learned counsel Mr. Venegaonkar do not dispute the above statement.

3 Considering the minuscule nature of sentence imposed on the appellant under the impugned judgment and considering the fact that he has not misused the liberty conferred upon him, I deem it appropriate to suspend the sentence imposed upon the applicant by the impugned judgment dated 27/07/2023 passed by the Special Judge, Diu in Special CBI case No.01 of 2009.

 Similarly, the applicant is entitled to be released on bail, subject to furnishing P.R. bond to the extent of Rs.50,000/- with one or more sureties of the like amount, to be submitted before the Trial Court.

 The appellant is directed to mark his appearance in the concerned Police Station on the First Monday of Trimester between 5:00 pm to 6:00 pm.

 The appellant shall furnish his regular address and contact number and inform the concerned police station of the change if any in the same.

Interim Applications disposed off in above terms.

(SMT. BHARATI DANGRE, J.)