



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**901 CRIMINAL APPLICATION NO. 3135 OF 2024
IN APEAL/701/2024**

SHANKAR VISHWANATH MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA

Mr.Nilesh S. Ghanekar, Advocate for the applicant.
Ms.Ashlesha S. Deshmukh, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 06.08.2024

PC :-

01. Heard. This application is filed for suspension of substantive sentence and release of the applicant on bail in connection with judgment and order dated 01.08.2024 in Special Case (ACB) No. 18 of 2015 passed by Special Judge, Osmanabad.

02. The applicant is held guilty for the offence punishable under sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act. After pronouncement of judgment, the applicant is immediately taken in custody on the same day. It is pointed out that though the judgment and order is dated 01.08.2024, it was not uploaded on internet till 05.08.2024 and there is no dispute about this fact. This Court expresses concern about this fact that though the applicant was taken in custody,

no copy of judgment was made available to him.

03. Learned Advocate for the applicant has relied upon judgment of the Hon'ble Supreme Court in the case of **Ajay Singh And Anr. Vs. State of Chhattisgarh & Anr., Criminal Appeal No.32-33 of 2017.**

It is held in para 17 that copy of the judgment needs to be given immediately on its pronouncement. On the same point, learned Advocate for the applicant further relied upon order of this Court at Principal Seat in the case of **Salman Salim Khan Vs. State of Maharashtra, Cri. Application No.592 of 2015.**

04. In spite of this well settled position, the learned Trial Judge has not taken care to supply copy of the judgment immediately to the convict.

05. Today both the learned Advocates for the applicant as well as learned APP produced on record copy of the impugned judgment. Considering the fact that the accused was on bail during the trial, the maximum sentence awarded is only five years and the appeal is not likely to be heard in near future, this Court is inclined to allow the application.

06. Hence, following order :-

(i) The application is allowed.

(ii) The substantive sentence imposed by learned Special Judge, Osmanabad in Special Case (ACB) No.18 of 2015 dated 01.08.2024 for the offences punishable under sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act stands suspended till disposal of the appeal.

(iii) The applicant shall be released on bail on furnishing PR bond and solvent surety in the sum of Rs.15,000/- (Rupees Fifteen Thousand).

(iv) The applicant shall make himself available as and when required by the Court and Police.

(v) The applicant shall keep informed the concerned police station of his contact details, such as, residential address, mobile number etc.

(vi) Hamdust allowed.

(vii) Parties to act upon authenticated copy.

[KISHORE C. SANT, J.]