



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 3209 OF 2024
IN APEAL/718/2024

DHANWANTAR NAGNATH GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Gaikwad Anil M.
APP for Respondent/State : Mr. S.K.Shirse
...

CORAM : KISHORE C. SANT, J.

DATE : 08th AUGUST, 2024.

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for respondent/State.
2. This application is for suspension of substantive sentence awarded by the learned Special Judge Usmanabad, in Special Case (ACB) No. 12 of 2016, dated 20.07.2024, thereby convicting the applicant for the offence punishable under Section 7 of the Prevention of Corruption Act and sentenced him

to suffer imprisonment for 3 years, and to pay fine of Rs. 1,000/-, and in default to suffer S.I. for 15 days. He is further convicted for the offence punishable under Sections and 13 (1) (d) punishable under Section 13 (2) of the Prevention of Corruption Act and sentenced to suffer imprisonment for 4 years and to pay fine of Rs. 1,000/-, in default to suffer S.I. for 15 days.

3. The learned Advocate for the applicant submits that the sentence is short sentence and the fine amount is already deposited. The applicant was on bail during the trial and he has not misused the liberty given to him.

4. The learned APP for Respondent/State has strongly opposed the application stating that it is an offence under the Corruption Act, involving moral turpitude. Looking to the fact that the maximum substantive sentence imposed is 4 years and the the appeal is not likely to be heard in the near future, this Court is inclined to allow the application, hence the following order :

ORDER

i) The application stands allowed and disposed

off.

(ii) The substantive sentence imposed upon the applicant by judgment and order dated 20.07.2024, passed by the Special Judge Usmanabad, in Special Case (ACB) No. 12 of 2016 for the offences punishable under Sections 7, 13 (1) (d) r/w 13 (2) of the Prevention of Corruption Act is suspended.

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

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

(v) In case of breach of any condition, this order is liable to be cancelled.

**(KISHORE C. SANT)
JUDGE**

mahajansb/