



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.256/2024

**WITH
INTERIM APPLICATION NO.1030/2024
IN
CRIMINAL APPEAL NO.256/2024**

1. RACHAPPA MAHADEVAPPA PATIL

2. CHANDSAB BABU PATHAN ..APPELLANTS

VS

STATE OF MAHARASHTRA ..RESPONDENT

Adv. Alankar Kirpekar a/w. Adv. Nilesh Joshi, Adv. P. P. Kulkarni, Adv. Ayush Tiwari, Adv. Shekhar Bhagat i/b. Prasad P. Kulkarni for the applicants.

Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 18, 2024.

P.C. :

CRIMINAL APPEAL NO.256/2024

1. Admit.
2. Call for record and proceeding.
3. Learned APP waives service on behalf of the State.

INTERIM APPLICATION NO.1030/2024 IN CRIMINAL APPEAL NO.256/2024

4. Heard learned counsel for the applicants and learned APP for the State.

5. This is an application for suspension of sentence. The sentence awarded for the offence punishable under Sections 7, 12, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 by the trial Court is three years rigorous imprisonment and to pay fine of Rs.10,000/- each, in default to suffer rigorous imprisonment of six months each. The fine amount has been paid.

6. Learned APP opposed the application for suspension of sentence.

7. With the assistance of learned counsel for the applicants, I have perused the judgment and order of the trial Court and the materials on record. The applicants were on bail during the trial. There is nothing on record to indicate that the applicants had misused their liberty while on bail. It is unlikely that the appeal will be heard any time soon. In the facts and circumstances of the present case, I am inclined to suspend the sentence.

8. The sentence is suspended. The applicants be enlarged on same bail as before the trial Court but with fresh bonds.

9. The applicants shall report to the trial Court once in a year, on first Monday of the concerned month, between 11.00 a.m. to 1.00 p.m., commencing April, 2024.

10. The application is disposed of.

(M. S. KARNIK, J.)