

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1849 OF 2024

IN

CRIMINAL APPEAL NO.448 OF 2024

Ram Mahesh Pandit : Applicant

Vs.

Union Territory of Dadra & Nagar Havelli & Anr. : Respondents

AND

INTERIM APPLICATION NO.1812 OF 2024

IN

CRIMINAL APPEAL NO.442 OF 2024

Chand Babu Shabbir Morabi Khan : Applicant

Vs.

Union Territory of Dadra & Nagar Havelli & Anr. : Respondents

AND

INTERIM APPLICATION NO.1818 OF 2024

IN

CRIMINAL APPEAL NO.444 OF 2024

Guddu Panchdev Shahu : Applicant

Vs.

Union Territory of Dadra & Nagar Havelli & Anr. : Respondents

Adv. Budhbhushan R., for the Applicant.

Adv. Kamar Ali Shaikh for the Respondent/Union Territory.

CORAM : KISHORE C. SANT, J.

DATE : 2ND MAY, 2024

PC. :

1. The Applicant in IA/1849/2024 is Original Accused No.1, IA/1812/2024 is Original Accused No.5 & IA/1818/2024 is by Original Accused No.4 who are convicted for the offences punishable under Sections 391 & 395 of the Indian Penal Code and are sentenced to undergo R.I. for 5 years and to pay fine of Rs.5,000/- in default to suffer S.I. for 2 months. They are further held guilty under Section 323 of the Indian Penal Code and are directed to undergo R.I. for 6 months by Judgment & Order dated 11th March, 2024 passed by the Learned Sessions Judge, Dadra & Nagar Haveli at Silvassa in Sessions Case No.16 of 2018. It is argued that the Applicant was on bail during the trial. The fine amount is already paid. There is no allegation of misuse of liberty against the Applicant.

2. Application is opposed by the learned APP and learned Advocate for the Respondent No.1. However, considering that the sentence is short sentence and fine amount is already paid and also that the Applicant was on bail during the trial, this Court is inclined to allow the Application in view of the Judgment in the case of ***Bhagwan Rama Shinde Gosai & Others Vs. State of Gujarat***¹. Hence following order.

1 (1999) 4 Supreme Court Cases 421

ORDER

- (a) Application is allowed.
- (b) Substantive sentence awarded by the Learned Sessions Judge, Dadra & Nagar Haveli at Silvassa dated 11th March, 2024 in Sessions Case No.16 of 2018 stands suspended.
- (c) The Applicant shall be released on bail on furnishing PR. bond of Rs.15,000/- and one or more solvent surety in the like amount.
- (d) Applicant shall keep informed concerned Police Station about his residential address, mobile number etc. and other contact details till the final disposal of the Appeal.
- (e) They shall attend Police Station once in every 2 months i.e. on first Sunday of alternate month between 11.00 a.m. to 1.00 p.m. starting from May 2024.
- (f) Application stands disposed of.

(KISHORE C. SANT, J.)