



PMB

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4336 OF 2023
WITH
INTERIM APPLICATION NO.4337 OF 2023
IN
CRIMINAL APPEAL NO.1299 OF 2023**

SANJAY KASHINATH SAWAL

..APPLICANT

VS.

UNION OF INDIA AND ANR.

..RESPONDENTS

Adv. Madhusudan Pareek for the applicant.

Adv. Shreeram Shirsat a/w Adv. Tanveer Khan a/w Adv.

Tanvi Mate i/b. Adv. Shekhar Mane for respondent No.1.

Mr. A. R. Patil, APP for the State-respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 10, 2024

P.C. :

1. Heard learned counsel for the applicant.
2. Mr. Shirsat, learned counsel for respondent No.1 while opposing the applications for suspension of sentence and bail submitted that the trial Court for cogent reasons convicted the appellant and imposed the sentence. The applicant was on bail during the trial. There is no allegation that the applicant has misused his liberty while on bail during the trial. Mr. Shirsat, learned counsel for respondent No.1 invited my attention to the decision of the Hon'ble

Supreme Court in the case of **Omprakash Sahni vs. Jai Shankar Chaudhary & Anr. Etc.**¹ where it is held that this Court should not suspend the sentence automatically as the matter of course. Though the decision was in facts where the Court has suspended the sentence of life imprisonment, the principles underlying undoubtedly governs this Court while suspending the sentence.

3. Considering the length of the sentence the maximum of which is three years rigorous imprisonment, and the fact that this appeal is not likely to be heard during this period, in the facts and circumstances of the present case, I am inclined to suspend the sentence. The fine amount has already been paid. The applicant be enlarged on same bail as before the trial Court with fresh bonds. The applicant shall report once in six months before the trial Court every first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing February 2024. The applicant shall surrender his passport, if not already surrendered. The applicant shall not leave the country without the permission of this Court.

1 Criminal Appeal Nos.1331-1332 of 2023

4. Interim Applications are disposed of.

(M. S. KARNIK, J.)