

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4149 OF 2024
IN
CRIMINAL APPEAL NO. 1517 OF 2019

Pandurang Raghunath Kale .. Applicant
Versus
The State Of Maharashtra .. Respondent

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Mr. M. L. Patil a/w Mr. Abhishek T. Ingle, for the Applicant.
Mr. J. P. Yagnik, A.P.P. for the State/Respondent.

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CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 22nd OCTOBER, 2024

P.C:-

1. The present Interim Application is filed by the Appellant No.2, who has filed the present Appeal being aggrieved by the Judgment and Order dated 31.08.2019, passed by the Special Judge, Dhule in Special Case No. 1 of 2014, under which he was convicted for an offence punishable under Sections 177, 201, 406, 409, 411, 420, 465, 468, 471 read with Section 120B, 109 and 34 of the Indian Penal Code and for the offence punishable under Section 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988.

2. By order dated 04.10.2019, the substantive sentence imposed upon the Appellant, subject to the condition of deposit of the entire amount of fine, was suspended.

3. The present Application is filed by the Applicant seeking suspension of his conviction and in support of the said relief, reliance is placed upon the order passed by this Court on 16.07.2024 in case of co-accused Kailas Narayan Sonawane.

We have perused the said order, where we deem it appropriate to extend the benefits of the orders passed by the Hon'ble Apex Court in SLP (Crl) No. 1360 of 2022 and SLP (Crl) No. 2353 of 2022, and two more orders, since the Hon'ble Apex Court had clearly noted that in the wake of similar allegations made against the co-accused, suspension of conviction was allowed and therefore in case of the Appellant which was before the Hon'ble Apex Court i.e. Bhagatram Ravalmal Blani (Balani), the Appeals were allowed and the conviction of the Appellant was suspended during the pendency of the Appeal before the High Court.

We have simply extended the said benefit to the co-accused and on the last date of hearing had directed Mr. Yagnik, the learned A.P.P. to ascertain whether the present Applicant (Appellant) is entitled for the parity.

Mr. Yagnik has fairly stated that he is entitled for the benefit of the order passed by this Court as well as the Apex Court in case of co-accused and in the wake of the above, we deem it appropriate to suspend the conviction recorded by the Special Judge in the impugned Judgment, while the Appeal of the Appellant is pending.

Resultantly, Application is made absolute in terms of prayer clause 'a'.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)