



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.266 OF 2024

Motiram s/o Dashrath Shinde Vs. State of Maharashtra, through PSO, PS
Inspector of Police, ACB Bhandara.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Anil Mardikar, Sr.Advocate a/b Shri V.R. Deshpande,
Advocate for appellant.
Ms Sneha Dhote, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.

DATE : MAY 03, 2024.

Heard.

2. **Admit.**

3. Call R&P.

4. Learned APP waives notice of final hearing on behalf
of respondent/State.

CRIMINAL APPLICATION (APPA) NO.469 OF 2024

5. Heard.

6. The appellant seeks suspension of substantive sentence passed in Special (ACB) Case No.16 of 2018 by the learned Additional Sessions Judge, Nagpur. By the impugned judgment and order dated 30.04.2024, the learned Additional Sessions Judge convicted the appellant under Section 7 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of

Rs.50,000/-. The appellant also convicted under Section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.60,000/-.

7. The contention is that the sentence is fixed term of four years. The appellant is suffering from locomotion disability in the wake of paralytic attack and one side of his body is not in working condition, therefore, seeks suspension of sentence.

8. Per contra, learned APP objected the application on the ground that the offence is under Prevention of Corruption Act and the disability appears to be in temporary in nature.

9. The appellant was on bail during trial. Sessions case is of 2018. The conviction is fixed term of four years. More particularly the appellant is suffering from paralytic attack and one side of his body is not in working condition. He has not misused liberty during the course of bail. Hearing of the appeal will take considerable time. In case appellant succeeds in the appeal, the position will be irreversible. Considering these aspects, a case is made out for suspension of sentence.

10. Pending appeal, the substantive sentence imposed on the appellant in Special (ACB) Case No.16 of 2018 by the learned Additional Sessions Judge, Nagpur dated 30.04.2024 shall remain suspended.

11. The appellant is released on bail on furnishing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
12. The appellant shall appear before this Court as and when directed.
13. The application is disposed of.
14. Hamdast granted.

JUDGE

Wagh