



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

CRIMINAL APPEAL NO. 287 OF 2024
BIPIN S/o VIRENDRAKUMAR JAMBHOLKAR
VERSUS
CENTRAL BUREAU OF INVESTIGATION, NAGPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R. M. Daga, Advocate for the appellant/applicant.
Mr. P. K. Sathianathan, Advocate for respondent-CBI.

CORAM : G. A. SANAP, J.
DATE : JUNE 11, 2024.

1. Heard Mr. R. M. Daga, learned advocate for the appellant.
2. **ADMIT.**
3. Mr. P. K. Sathianathan, learned advocate waives service of notice on behalf of respondent - CBI.
4. Call for the record and proceedings.

CRIMINAL APPLICATION (APPA) NO. 517 OF 2024

1. Heard Mr. R. M. Daga, learned advocate for the applicant and Mr. P. K. Sathianathan, learned Additional Public Prosecutor for the respondent/CBI. Perused the record.
2. This is an application for suspension of substantive sentence.
3. The applicant/accused has been convicted by the learned Special Judge, CBI Court, Nagpur vide judgment

and order dated 30.04.2024 in Special Case No. 01/2016 for the offences punishable under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter referred to as “the P.C. Act”). The applicant/accused is sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.60,000/- and in default to suffer RI for eight months for the offence punishable u/s 13(2) read with Section 13(1)(d) of the P.C. Act and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.50,000/- and in default to suffer RI for six months for the offence punishable u/s 7 of the P.C. Act.

4. It is the case of the appellant/applicant that he has good case on merits. The grounds of challenge to the impugned judgment and order have been set out in the memo of appeal. The appellant has deposited the entire fine amount. Learned advocate for the appellant would submit that the appeal may take its own time for final adjudication and therefore, in the meantime, the appellant cannot be made to languish in jail for indefinite period. Learned advocate would, therefore, submit that the substantive sentence may be suspended and appropriate order for expeditious disposal of the appeal may be passed.

5. Learned advocate for the non-applicant/CBI submits that his reply is necessary. He submits that he has forwarded the reply for confirmation of the concerned officer. He prays for time. Besides, the learned advocate

would submit that voluminous evidence placed on record against the accused has been properly appreciated. Learned advocate submits that cogent reasons have been recorded to record the finding of guilt of the accused.

6. The record shows that time was granted to the respondent to file reply. An appeal against conviction is a right. However, suspension of sentence cannot be claimed as of right. It depends upon various factors including the factor of sentence awarded by the Court.

7. In this case, the maximum substantive sentence awarded for the offence under Sections 13(2) of the P.C. Act is five years imprisonment. The sentence awarded on both the counts has been directed to run concurrently. The accused has deposited the entire fine amount. It is evident on perusal of the record that during pendency of the trial, the applicant/accused was on bail. There was no grievance about breach of bail conditions by the accused during pendency of the trial. In my view, keeping in mind the above stated facts, it would be just and proper to suspend the sentence and release the applicant/accused on bail. Hence, I pass the following order.

i] The criminal application is allowed.

ii] The substantive sentence awarded as above by the learned Special Judge, CBI Court, Nagpur vide judgment and order dated 30.04.2024 in Special Case No. 01/2016 for the offences punishable under sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of

Corruption Act, 1988, shall remain suspended during pendency of this appeal.

iii] Applicant/accused – Bipin S/o Virendrakumar Jambholkar be released on bail on his furnishing PR bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one or two sureties in the like amount.

iv] Bail be furnished before the trial Court.

v] The applicant/accused shall remain present before the Court at the time of final hearing of this appeal.

vi] The application stands disposed of in the aforesaid terms.

CRIMINAL APPLICATION (APPA) NO. 518 OF 2024

1. This is an application for dispensing with the filing of an affidavit of the appellant.
2. In view of the facts stated in the application, filing of affidavit of the appellant is dispensed with.
3. The application is allowed and disposed of.

(G. A. SANAP, J.)