



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

CRIMINAL APPLICATION (APPA) NO. 757 OF 2024
IN
CRIMINAL APPEAL NO. 429 OF 2024

Girish s/o Vasantrya Patil and another Vs The State of Maharashtra and another.

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

Court's or Judge's Order

Mr. S.B. Gandhe, counsel for applicants/appellants.

Mr. N.B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/08/2024.

1. This is an application for suspension of sentence and releasing the applicants on bail.
2. The applicants, who are the original accused Nos. 7 and 10, seek suspension of sentence, which is imposed by the Special Court in Special A.C.B. No. 11/2005, by which the present applicants are held guilty under Section 13(2) of the Prevention of Corruption Act, 1988, and sentenced to suffer R.I. of three months each and to pay fine of Rs. 10,000/- each. The present applicants are also convicted of the offence punishable under Section 109 of the Indian Penal Code, 1860, and sentenced to suffer R.I. for one month and to pay a fine of Rs. 500/- each, in default to suffer further R.I. for 7 days each.
3. Learned counsel for the applicants submitted that, as far as the evidence against the present applicants is concerned, is misconceived by the Special Court and

erroneously they were held guilty. He has pointed out from the impugned judgment that he has many arguable points in the present appeal. However, it would take its own time for its final decision. In the meantime, if the sentence is executed, the purpose of preferring the appeal would be frustrated.

4. Learned APP strongly opposed the said application on the ground that appeal itself is devoid of merits, in view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the impugned judgment, from which the learned counsel for the applicant pointed out from that he has many argument points in the present appeal. However, the appeal would take its own time for its final decision. Moreover, the punishment imposed is of a limited period. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order:

- (a) The criminal application (APPA) No. 757/2024 is allowed.
- (b) The execution of the sentence imposed in Special ACB No. 11/2005 is hereby suspended till disposal of the appeal.
- (c) The applicants shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/-

each with one solvent surety in the like amount.

6. The Criminal Application (APPA) No. 757/2024 stands **disposed of**.

CRIMINAL APPEAL NO. 429 OF 2024

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned APP waives service of notice on behalf of the State.
5. Place the appeal before the Court after preparation of the paper book.

[**URMILA JOSHI-PHALKE, J.**]