

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1378 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.94 OF 2025

Dattaram Kashinath Mhatre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shantanu Kadam a/w Krutik Veera for the Applicant.

Mr. S.H. Yadav, APP for the Respondent – State.

PSI, Yashwant Marathe, Alibag Post, Dist. Raigad.

CORAM : ADVAIT M. SETHNA, J.

DATE : 15 MAY 2025
(VACATION COURT)

P.C.:

1. This interim application has been filed praying for suspension of sentence imposed on the applicant by the order of the Sessions Court, Raigad - Alibag dated 20 February 2025 in Criminal Appeal No.15 of 2012. The operative part of the said order reads thus :-

- “1. Appeal is partly allowed.
2. The judgment of conviction and order of sentence in respect of offences punishable u/s 205, 420, 468, 471 of IPC against the accused Dattaram Kashinath Mhatre is hereby set aside. Accused stands acquitted of the said offences.
3. The conviction and sentence of the accused for the offence punishable u/s 419 of IPC is hereby maintained.

4. Bail bonds of the accused stands cancelled. He be taken in custody and conviction warrant be issued accordingly.”
2. Heard the learned counsel appearing for the parties and with their assistance perused the record. The learned counsel for the applicant would at the outset, draw the attention of this Court to an order dated 24 January 2012 passed by the JMFC, Raigad - Alibag. The applicant was convicted for offences punishable under Sections 248(2) of the Code of Criminal Procedure (“*Cr.P.C.*”) read with Sections 419, 420, 468, 471 and Section 205 of the Indian Penal Code (*IPC*).
3. The learned Magistrate's Court had convicted the applicant for the aforesaid offences by imposing a total fine of Rs.15,000/- which according to the learned counsel for the applicant has been duly deposited with the said Court on 25 January 2012.
4. The Magistrate has upheld the conviction of the applicant under Section 419 for a period of one year and fine of Rs.1,500/-, for offence under Section 420 for a period of 4 years and fine of Rs.3,000/- and offence under Section 468 for a period of 4 years and fine of Rs.4,000/- and for offences under Section 471 for a period of 4 years and a fine of Rs.4,000/- under the said provisions.
5. The learned counsel for the applicant would submit that aggrieved by such order and judgment of the Magistrate's Court an appeal was filed before the Sessions Court, Raigad - Alibag. By judgment and order dated

20 February 2025 the learned Sessions Court acquitted the applicant for the offences punishable under Sections 205, 420, 468 and 471 of the IPC. The conviction of the applicant under Section 419 of the IPC was however maintained by the learned Sessions Judge.

6. At this juncture, the learned counsel for the applicant would invite my attention to an order dated 5 May 2025 of the Supreme Court in SLP (Criminal) Diary No(s).23633/2025. In this context, he would submit that a SLP was preferred on 1 May 2025 by the applicant before the Supreme Court on the ground that the matter before this Court was taken up on four occasions but ultimately by the impugned order dated 7 April 2025 passed by this Court, the proceedings were adjourned to 16 June 2025. The Supreme Court has made certain observations in paragraphs 5 and 6 which read thus:-

“5. Having regard to the aforesaid, we dispose of the present petition with liberty to the petitioner to bring the issue to the notice of the Hon'ble Chief Justice of the Bombay High Court, who is requested to assign the matter to the Bench concerned, with a further request to the assigned Bench to take up and finally dispose of the Criminal Revision Application No.94 of 2025 along with Interim Application No.1378 of 2025 expeditiously and preferably within a period of two weeks from the date the matter is assigned.

6. We may also indicate that, as summer vacations are ensuing from next week, the matter may also be taken up by the 'Vacation Bench' for consideration of interim relief.”

7. It is in the aforesaid background that the proceedings are placed before the vacation Court for consideration. At this stage, the applicant would urge that the interim application for suspension of sentence of the

applicant be decided and he may consequently released on bail. The applicant has been in jail since 20 February 2025 i.e. about 2 months and 26 days. He would urge that the applicant has been acquitted of the other offences and convicted of the offences only under Section 419 and that too, for a period of one year. He would in the given facts and circumstances pray for suspension of the applicant's sentence.

8. The learned APP has vehemently opposed the interim application. He would urge that the offence under Section 419 in the particular facts and circumstances, is grave as offence of impersonation is alleged to have committed in regard to court proceedings. He would thus submit that no leniency be shown. He would submit to the orders of the Court.

9. Having heard the learned counsel for the parties and having perused the record, the Court may observe that it is undisputed that this applicant has been acquitted in the substantive offence under Sections 205, 420, 468 and 471 of the IPC by the Sessions Court. Though he is convicted for offence under Section 419 of the IPC, the maximum sentence prescribed for which is for a period of one year. It cannot be disputed that this is a short sentence.

10. It is trite law that though sentence is suspended, it does not affect/alter the conviction. The applicant has spent 2½ months in jail already. The applicant was on bail during the course of trial. The learned APP would submit that there have been no complaints against the

applicant for such period during trial when the applicant was on bail.

11. Considering all the above, *prima facie* case for suspension of sentence has been made out by the applicant. He accordingly deserves to be enlarged on bail. The following order is passed:-

ORDER

- (i) The sentence imposed by the Sessions Court, Raigad - Alibag vide judgment and order dated 20 February 2025 in Criminal Appeal No.15 of 2012 under Sections 419 of the IPC is hereby suspended pending the criminal revision application.
- (ii) Applicant - Dattaram Kashinath Mhatre shall be released on bail in C.R.No. 93 of 2002 registered by Khopoli Police Station for the offences punishable under Section 419 of IPC, on his furnishing P.R. Bond in the sum of Rs.30,000/- with one or more sureties in the like amount in the Sessions Court, Raigad – Alibag.
- (iii) The applicant shall furnish his details of residential address and other contact details such as latest mobile number etc. to the concerned police station. If there is any change in the contact details, the same will be immediately informed to the concerned police station.
- (v) The applicant shall co-operate with the investigation and

attend the Khopoli Police Station on every first Monday at 11.30 a.m. of the month initially for a period of 1 year and thereafter as and when called for/required by the investigating officer.

(vi) Application is disposed of in the above terms.

(vii) Parties to act upon an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]