

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

CRIMINAL APPLICATION (APPA) NO.17 OF 2024

IN
CRIMINAL APPEAL NO.6 OF 2024

(Vijay Kumar Shriram Vs. Deputy Superintendent of Police, Central Bureau of
Investigation (CBI), AC-III, New Delhi)

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

Court's or Judge's orders.

Mr. Gajendra G. Saoji, Advocate for Appellant.
Mr. P. K. Sathianathan, Advocate for Respondent.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 22nd APRIL, 2025.

1. Heard.
2. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.
3. The appellant was prosecuted for the offences punishable under Sections 120-B, 465, 467, 468, 471 and 420 read with Section 34 of the Indian Penal Code and Section 13(1)(d) and 13(2)(d) of the Prevention of Corruption Act.
4. After appreciating the evidence the learned Special Judge has held the appellant is guilty of the offences punishable under Sections 120-B, 465, 467, 468, 471 and 420 read with Section 34 of the IPC and sentenced to suffer rigorous imprisonment for two years and pay fine of Rs.10,000/- on each count and in default to suffer rigorous imprisonment for three years he is further convicted of the offence punishable under Section 13(1)(d) and Section

13(2)(d) of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.10,000/- and in default to suffer rigorous imprisonment for six months.

5. Heard learned counsel for the appellant who submitted that the appellant has every chance of success in the present appeal. He has also invited my attention towards the deposition as well as the impugned judgment and submitted that the trial court has not appreciated the evidence in proper perspective. The appeal would take its own time for its final disposal. In the meantime, if sentence is executed the appeal would become infructuous. The punishment imposed is also of a limited period for all above grounds he prays for suspension of sentence and releasing the appellant on bail.

6. The learned Special Prosecutor for the CBI strongly objected for the same and submitted that sufficient evidence is on record which is properly appreciated by the Special Judge and thereafter convicted the appellant. The appeal itself is devoid of merit and therefore, the application deserves to be rejected.

7. On hearing both the sides and on perusal of the impugned judgment as well as the depositions from which learned counsel for the appellant has pointed out that he has many arguable points in the present appeal. At this stage re-appreciation of the evidence is not permissible what is to see is whether the appellant has every chance of success in the present appeal. Considering the same and the

fact that the punishment is imposed is of a limited period. The appeal would take its own time for final disposal. In the meantime, if sentence is executed then appeal would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- [i] The application is allowed.
- [ii] The execution of the sentence imposed is Special CBI Case No.3/2015 is hereby suspended till disposal of the appeal.
- [iii] The appellant shall be released on bail on executing P.R. bond of Rs.25,000/- with one solvent surety of like amount.

8. The Criminal Application (APPA) No.17/2024 is disposed of.

CRIMINAL APPEAL NO.6/2024:

- 1. Heard.
- 2. **Admit.**
- 3. Call for record and proceedings.
- 4. Appeal be listed after preparation of the paper-book.

(URMILA JOSHI-PHALKE, J.)