



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

CRIMINAL APPEAL NO. 126 OF 2026

Dr. Pankajkumar Pushpam s/o Ramswaroop Choudhary and anr.

..vs..

Central Bureau of Investigation

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

Court's or Judge's orders

Shri J.M. Gandhi, Advocate for the appellant.

Shri Prashantkumar Sathianathan, Advocate for the respondent.

CORAM: M.M. NERLIKAR, J.

DATE : 17.03.2026.

Heard.

2. **Admit.**

3. Learned Counsel Shri Prashantkumar Sathianathan waives service of notice on behalf of the respondent.

4. Call R & P.

Criminal Application No.202 of 2026

5. Heard.

6. Issue notice to the non-applicant/respondent. Learned Counsel waives notice on behalf of the respondent.

7. The applicants are convicted for the offence punishable under Section 12 of the Prevention of Corruption Act, 1988 and Section 120B of the India Penal Code and they are sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.10,000/- each and in default to suffer rigorous imprisonment for six months in each offence.

8. This is an application seeking suspension of sentence. The aforesaid application is preferred on the ground that the trial Court has passed the judgment dated 21.02.2026 on an inadmissible evidence i.e. videography, which was done by the Investigating Agency and the same has not been sent for forensic analysis, therefore, in the absence of any forensic report from the forensic lab, directly the Court has admitted the videography as substantive piece of evidence. He further submits that the voice sample which was recorded in the voice recorder, has been recorded without permission of the Court and therefore, it is against the principles which have been laid down by the Hon'ble Supreme Court in various judgments. He further submits that there are other several points which may help them to succeed in the appeal as the sentence has already been suspended by the Trial Court and they have paid the fine amount, the sentence of the applicants are prayed to be suspended till the final disposal of the appeal.

9. On the other hand, learned Counsel appearing for the CBI vehemently opposes the application mainly on the ground that in detail the order has been passed and mandatory provisions have been scrupulously followed. There is no need to suspend the sentence as the sentence is only of three years. At the most appeal can be taken up for final hearing and therefore, prayed to reject the application.

10. I have considered the rival submission and gone through the judgment and order dated 21.02.2026. It appears that arguable points are made out, further

learned Trial Court has already suspended the sentence of the applicant. The applicants have also paid fine amount. The sentence is short term sentence and the appeal is admitted. For all these reasons, I am inclined to suspend the sentence till the final disposal of the appeal. Hence, the following order :

- (i) The application is partly allowed.
 - (ii) The sentence of the applicants is hereby suspended till disposal of the appeal;
 - (iii) The applicants be released on bail on furnishing same surety bond which was furnished while suspending the sentence by trial Court.
11. The application stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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