



(1)

26.appa.133.2025

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

CRIMINAL APPLICATION (APPA) NO.133 OF 2025
IN
CRIMINAL APPEAL NO.72 OF 2025

Sanjay s/o Natthuji Rathod

Vs.

State of Maharashtra, through Inspector of Police, Anti-Corruption Bureau,
Nagpur

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

Court's or Judge's orders

Mr. R. R. Vyas, Counsel for the applicant/appellant.
Mr. C. A. Lokhande, APP for the respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/02/2025

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail.
2. The appellant was prosecuted for the offence punishable under Sections 7 and 13(1)(d)(i) (ii) and 13(2) of the Prevention of Corruption Act.
3. As per the prosecution case, the appellant has demanded the gratification amount from the complainant which the complainant was not desiring to pay, and therefore, he has approached to the Anti-Corruption Bureau (ACB) office, accordingly, the trap was laid and conducted and the appellant was found accepting the gratification amount. On the basis of the entire investigation, the charge-sheet is filed against the present appellant. After appreciation of the evidence, the learned Special Court held the

appellant guilty for the offence punishable under Section 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for three years for the offence punishable under Section 7 and fine of Rs.50,000/- in default, rigorous imprisonment for six months. The appellant is also convicted for the offence punishable under Section 13(1)(d)(i)(ii) read with 13(2) of the Prevention of Corruption Act and sentenced to suffer rigorous imprisonment for four years and fine of Rs.60,000/- in default, further rigorous imprisonment for 7 months.

4. Learned Counsel for the appellant submitted that the entire compensation amount as well as the fine amount is deposited by the appellant. The appellant was on bail throughout the trial. As far as the quantum of punishment is concerned, which is of limited period. The appeal would take its own time for its final disposal. In the meantime, if the sentence is executed the appeal would become infructuous. He has also pointed out from the impugned Judgment and the depositions that he has many arguable points in the present appeal. Considering the same, he prays for suspension of sentence.

5. Learned APP strongly opposed the said application on the ground that the appeal itself devoid is of merits and therefore, the application deserves to be rejected.

6. After hearing both the sides and on perusal of the impugned Judgment as well as the depositions it appears that the appellant has arguable points in the present appeal. The limited punishment is imposed. Considering the fact that the appeal would take its own time for its final disposal, 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 passed in Special Case (ACB) No.30/2015 is hereby suspended till disposal of the appeal.
- (iii) The appellant shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

The application is disposed of.

CRIMINAL APPEAL NO.72 OF 2025

- 1. Heard.
- 2. **Admit.**
- 3. Learned APP waives notice for the State.
- 4. Call for record and proceeding.
- 5. Appeal be listed before this Court for final disposal after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)