

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

CRIMINAL APPEAL NO. 434/2020.

Ramdas Madhukar Thakare

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.B. Naidu, Advocate for the Appellant.

Shri V.A. Thakare, A.P.P. for Respondent.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 06, 2020.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The appellant / accused is convicted by the Additional Sessions Judge, Hinganghat in Special Special ACB Case No. 1/2017 for the offence punishable under Sections 7 and 13[1][d] read with Section 13[2] of the Prevention of Corruption Act. For both the offences, the appellant-accused is sentenced to suffer rigorous imprisonment for a period of 1 year and to pay fine of Rs.30,000/- each, i.e. total fine of

2

Rs.60,000/-, with stipulation of default.

3. Admit. Call for R & P.

Learned A.P.P. waives notice on behalf of respondent State.

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Criminal Application (APPA) No. 455/2020.

This is an application by the convicted appellant/accused seeking suspension of execution of sentence in terms of Section 389[1] of the Code of Criminal Procedure. The trial Court has held the appellant/applicant guilty for the offence punishable under Sections 7 and 13[1][d] read with Section 13[2] of the Prevention of Corruption Act. The maximum sentence awarded is to undergo rigorous imprisonment for 1 year and to pay total fine of Rs.60,000/-. Record indicates that post conviction the trial Court by resorting to powers under Section 389[3] of the Code has suspended execution of sentence. The orders passed by the trial Court also indicates that the accused had already deposited entire fine amount.

2. The learned A.P.P. seeks time to file reply to this application. However, I do not find any reason

3

to keep this application pending since the maximum sentence awarded is rigorous imprisonment for a term of 1 year. Further the accused was on bail during the trial, therefore, there is no reason to keep this application pending. In view of that, following order is passed.

- (i) The execution and implementation of the substantive sentence imposed by the Additional Sessions Judge, Hinganghat in Special Special ACB Case No. 1/2017 for the offence punishable under Sections 7 and 13[1][d] read with Section 13[2] of the Prevention of Corruption Act vide judgment and order dated 16.10.2020 is suspended during the pendency of the appeal on same terms and conditions as are imposed by the trial Court while suspending the sentence post conviction.
- (ii) Criminal Application is accordingly allowed and disposed of.

3. This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rgd.