

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 144 OF 2015

IN

CRIMINAL APPEAL NO. 29 OF 2015

PREMLA @ PREMA @ SHEETAL PARAB.

... Applicant

Versus

STATE, THROUGH BICHOLIM POLICE
STATION.

... Respondent

Shri Vallabh D. Pangam, Advocate under Legal Aid for the
Applicant.

Shri S.R. Rivankar, Public Prosecutor for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 18th June, 2015

P.C:

Heard Shri Pangam, learned Counsel for the applicant and Shri Rivankar, learned Public Prosecutor for the respondent.

2. By this application, the applicant is seeking suspension of sentence of fine of Rs. 1,00,000/- (Rupees One Lakh only) imposed as per the judgment and order dated 06.05.2015, passed by the President, Children's Court for the State of Goa at Panaji in Special Case No. 77/2013.

3. It appears that there is some dispute between the applicant and the family of the complainant. The incident in question had allegedly occurred on 01.04.2013 at about 9:45 to 10:15 hours at

Gaonkarwaddo, Bicholim, in which the applicant is alleged to have criminally intimidated the minor by threatening her with life. The applicant is aged 65 years and she has been convicted for the offence punishable under Section 506(ii) of I.P.C. and under Section 2(m)(i) read with Section 8(2) of the Goa Children's Act, 2003. She has been sentenced to suffer imprisonment till the rising of the Court and pay fine of Rs.1,00,000/- and in default to suffer imprisonment for 10 days.

4. It is submitted by Shri Pangam, learned Counsel for the applicant that the words allegedly attributed to the applicant, may not amount to "psychological and physical abuse" and "emotional maltreatment". It is submitted that the finding by the Children's Court that the words so used would amount to psychological and physical abuse is not correct.

5. Shri Rivankar, learned Public Prosecutor has submitted that there is enough evidence to show that the applicant had threatened the child with life and in view of the provisions of Section 8(2) of the Goa Children's Act, the sentence is proper. It is submitted that the Children's Court has already shown leniency by limiting the sentence of imprisonment till the rising of the Court.

6. Having heard the learned Counsel for the parties and in the circumstances, the sentence of fine awarded to the applicant is hereby

suspended during the pendency of the appeal, on condition of the applicant furnishing P.R. Bond before the Children's Court in the sum of Rs.15,000/-, with one solvent surety in the like amount.

7. The application stands disposed of.

C. V. BHADANG, J.

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