

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1806 OF 2015

Shankar Sakharama Shinde & Ors.

....Petitioners

Versus

The State of Maharashtra & Anr.

.... Respondents

Mr. A.H.H. Ponda a/w Mr. Vikas B. Pandey for Petitioners.

Mrs. A.A. Mane, APP, for Respondent No1.- State.

CORAM:-M.L. TAHALIYANI, J.

DATED : -29th APRIL, 2015.

P.C.

Admitted. Heard finally.

2. The Petitioners have been convicted by the Trial Magistrate for the offences punishable under sections 465, 471 and 420 r/w section 34 of the IPC. Prime accused in the case was one Sunilkumar Sajjan Mishra. He had allegedly forged a driving license to obtain accommodation under slum rehabilitation scheme. The Petitioners are office bearers of the housing society. It was alleged that the Petitioners in furtherance of their common intention and the said accused Sunilkumar Mishra had forged the driving license so that Sunilkumar Mishra gets accommodation under SRA scheme.

3. The Petitioners have filed appeal before the Sessions Court, which is pending. During the pendency of the said appeal the Petitioners have been granted bail and substantive sentence imposed on them have been suspended.

4. The Petitioners had applied for suspension of conviction. Said prayer has been rejected by the Appellate Court.

5. Learned counsel Mr. Ponda has submitted that the Petitioners are members of housing society and they want to contest election for the post of office bearers of the society. It is submitted that so long as conviction is in operation the Petitioners may not be eligible to contest election. It is thus, submitted that there is a genuine cause for the Petitioners to move this Court.

6. Learned APP Mrs. Mane strongly opposed the prayer on the ground that they have forged the document to acquire accommodation for the accused.

7. I have gone through the judgment of the Trial Court. It does prima facie appears to me that Petitioners have got very very

good case to argue before the Appellate Court. Though the Courts are normally very slow in suspending the conviction, I am inclined to suspend the conviction in the present case in view of my observation in respect of the judgment of the Trial Court.

8. The petition is allowed. Conviction of the Petitioners for the offences punishable under sections 465, 420 and 471 r/w section 34 of the IPC shall remain suspended till the final disposal of the Appeal. Parties to act on authenticated copy of this order.

(JUDGE)