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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.598 OF 2015
IN
CRIMINAL APPEAL NO. 224 OF 2012

Kailas Baliram Dhodare

..Applicant

Vs.

The State of Maharashtra

..Respondent.

Mr. Ganesh Gole a/w Miss. Meghna Gowlanj for Applicant.

Smt. V.R. Bhonsale, APP for Respondent-State.

CORAM: B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.

10th August 2015.

P.C.

Heard Mr. Gole, learned Counsel for the applicant and learned
APP for State.

2 In the light of order dated 8.7.2015 passed by us. Mr. Gole has placed reliance on judgment of the Hon'ble Apex Court in the case of *Navjot Singh Sidhu Vs. State of Punjab & Anr. [2007 (2) SCC 574]*. He states that the conviction of applicant needs to be suspended in the present facts. He points out that the applicant was an employee working with the private employer and had about one year more of his service. However, the

employer because of impugned conviction proceeded under standing orders and has dismissed the petitioner from service. He points out that this dismissal has been questioned before the competent Labour Court. According to him the said adjudication will take its own time but if the conviction is stayed by this Court, the perspective for consideration will undergo change and applicant would have better chances of seeking reinstatement or get at least benefits upon reaching superannuation.

3 Learned APP does not dispute all the contention of Shri Gole. However, she has submitted that power must be sparingly exercised.

4 This Court on 11.4.2012 passed order in Criminal Application No.507 of 2012 and the observations therein are contained in para-5. Placing reliance on those observations, prayer to stay conviction is being pressed into service. Action taken by the private employer namely Reliance Industries is entirely a different facet. That employer has acted in accordance with the provisions of standing order and purported exercise has been questioned by the applicant before the competent Court. The observations made by this Court in its order dated 11.4.2012 can be pointed out to the concerned Court when matter is looked into by it.

5 Here we find that merely because the employee (applicant) reaches the stage of superannuation within one year, no case for staying conviction or suspending conviction is made out.

6 Hence without observing anything on merits of controversy, we dispose of the Application. However, hearing of appeal is expedited. Liberty to move for fix date of hearing after matter is listed on board.

(A.S. GADKARI,J.)

(B.P. DHARMADHIKARI,J.)