

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 888 OF 2012

Farida Altaf Shaikh	Appellant
V/s.	
The State of Maharashtra and others	Respondents

WITH
CRIMINAL APEAL NO. 156 OF 2011

Rikta Rijabul Vishwas	Appellant
V/s	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPLICATION NO. 621 OF 2014
IN
CRIMINAL APPEAL NO. 888 OF 2012

Farida Altaf Shaikh	Appellant
V/s.	
The State of Maharashtra and others	Respondents

Ms. Pranali Kakade for Appellants
Mr. Arfan Sait APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 26, 2015

PC :

- 1) For the reasons to be recorded separately, following order.

ORDER

- (i) Appeal is partly allowed.
 - (ii) Judgment of District Judge – 13 & Additional Sessions Judge, Pune in Sessions Case No. 862 of 2009 is confirmed.
 - (ii) Conviction of the appellant no. 1 for offence punishable under sections 366(A), 372 of Indian Penal Code and section 5 & 6 of Prevention of Immoral Traffic Act is upheld.
 - (iii) Conviction of the appellant no. 2 for offence punishable under section 373, 344 of Indian Penal Code and section 4 & 5 of Prevention of Immoral Traffic Act is upheld. Sentence of fine is maintained.
 - (iv) Appellants are sentenced to the period already undergone.
 - (v) Appeal stands disposed of.
 - (vi) Since appeal is disposed of Criminal Application No. 621 of 2014 does not survive, hence, disposed of accordingly.
- 2) Learned APP has assisted the Court efficiently by producing the 'Nominal role' of the appellants which show that appellant Rikta Rijabul Vishwas has undergone the substantive sentence of 6 years and 3 months i.e. actual sentence of 4 years 3 months and 5 days. Judicial custody for 7 months 28 days. The remissions earned till 31/01/2015 is 1 year 3 months and 27 days

which is a total sentence of 6 years and 3 months. Appellant no. 1 Farida Altaf Shaikh has actually suffered rigorous imprisonment for 4 years 3 months 5 days. She was in Judicial custody for one year 3 months & 19 days. Total substantive sentence undergone by appellant no. 1 is 6 years 10 months & 21 days. 'Nominal Role' is taken on record and marked as article 'X' for the purpose of identification.

3) Learned counsel for the appellants, upon instructions submits that appellants herein are not challenging the judgment of conviction. Appellants have not deposited fine amount and therefore, they would have to go default sentence. Learned counsel for the appellants submits that appellants be permitted to deposit fine amount before Sessions Court. Learned Sessions Court is hereby directed to accept the fine amount. After depositing the fine amount, appellants herein be set at liberty, if not required in any other offence. Records of Criminal Appeal No. 888 of 2012 be sent to concerned Sessions Court forthwith.

(SMT. SADHANA S. JADHAV, J.)