

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 400 OF 2015
in
CRIMINAL REVISION APPLICATION NO. 461 OF 2015

Rani Pratap Singh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Prabhanjay R. Dave, Advocate for the applicant.
Mr. Y.M. Nakhwa, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 9th October, 2015.

P.C.

This is an application seeking suspension of the substantive sentence. The applicant herein was convicted by the Metropolitan Magistrate, Special Court for ITPA, 54th Court at Mazgaon in C.C. No. 1107/PW/2011 for the offence punishable under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 and sentenced to suffer R.I. for two years on account of each offence and to pay fine of Rs. 2,000/- and Rs. 1,000/- respectively for the offence punishable under Sections 3 and 4 of the said Act. The applicant was also convicted for the offence punishable under Sections 5 and 6 of the said Act and sentenced to suffer R.I. for three years and fine of Rs. 2,000/- in default S.I. for one month on each count vide

judgment and order dated 7.2.2014.

2. Being aggrieved by the said judgment and order, the applicant herein had filed Criminal Appeal No.150 of 2014 before the Sessions Court at Mumbai. The learned Sessions Court vide judgment and order dated 5.10.2015 has been pleased to dismiss the appeal vide judgment and order passed by the 54th Court Mazgaon on 7.2.2014 was upheld.

3. The learned counsel for the applicant submits that on the day of the judgment i.e. on 5.10.2015, the present applicant has been taken into custody after dismissal of the appeal.

4. The learned counsel for the applicant fairly submits that the applicant is also being tried for similar offences in another trial, the offence being registered with D.B.Marg Police Station in which she has been granted bail. The learned counsel submits that the other case is a subsequent offence. The gravity of the subsequent offence can be considered by the learned Magistrate in the other case. As far as this case is concerned the applicant was on bail during the pendency of the appeal. It prima facie appears during the pendency of the appeal in the present case, the applicant is being prosecuted for similar offence.

5. The learned APP submits that in view of this, the applicant does not deserve the relief of suspension of substantive sentence. The

learned counsel for the applicant submits that the sentence imposed upon the applicant is a short-term, sentence. This Court is seized with the hearing of old hearing applications. It would not be proper to give precedence to the final hearing of the present Revision Application. In view of this, the applicant deserves to be enlarged on bail in the present case.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant by the Metropolitan Magistrate for ITPA, 54th Court, Mazgaon, Mumbai, which is upheld by the Sessions Court in Criminal Appeal No.150 of 2014, is hereby suspended. She be enlarged on bail. Same bail, fresh bonds.
- (iii) The applicant shall report to the Court of Metropolitan Magistrate, for ITPA, 54th Court, Mazgaon, Mumbai, once in three months on the date scheduled by the Court.
- (iv) Upon failure to attend the said Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.

Application is allowed in the above terms and stands disposed of.

(SMT.SADHANA S.JADHAV, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.