

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 1626 OF 2014

IN

CRIMINAL APPLICATION NO. 643 OF 2013

IN

CRIMINAL APPEAL NO. 475 OF 2013

Nitin Nathu Wadhile .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. S. V. Kotwal i/b Abhijit Deshmukh, Advocate for the applicant.
Ms. Anamika Malhotra, APP for the State

CORAM:-A. R. JOSHI, J.

DATED : -16/06/2015

P.C.

Heard learned Senior Counsel for the applicant.

2 There is an application for bail during the pendency of the appeal in which the challenge is to the conviction of the applicant for the offences punishable u/s 7, 12 and 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988.

3 The appeal is already admitted and the applicant is already on bail during the pendency of the appeal. The present

application is for suspension of conviction. Needless to mention that only in exceptional cases and only under the circumstances when if any opportunity or benefit available to the applicant may not be available to him in case of allowing of his appeal and his acquittal, the recourse to suspending the conviction can be taken. In fact this is also a ratio of propounded by authority cited on behalf of the applicant, in the case of **State of Maharashtra through CBI, Anti Corruption Branch, Mumbai v. Balakrishna Dattatraya Kumbhar, (2012) 12 SCC 384.**

4 During the arguments the only ground advanced is that the son of the applicant is suffering from some marginal ailment and the present applicant is devoid of job and as such there are financial crunches. Apparently this cannot be a ground which can be taken in law, just, for grant of the relief as to suspension of conviction. In any event the pending appeal, which is challenging the conviction under the Prevention of Corruption Act, can be appropriately taken for expeditious hearing, if the applicant so desires and move such application.

5 Considering the circumstance, in the present matter,
there is nothing to take recourse to the suspension of conviction and
as a result the present application is dismissed and accordingly
disposed of.

(A. R. JOSHI, J.)

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