

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4150 OF 2016

IN

CRIMINAL APPEAL NO.798 OF 2015

WITH

CRIMINAL APPLICATION NO.3724 OF 2016

IN

CRIMINAL APPEAL NO.798 OF 2015

Rohansingh s/o Swarajsingh Gour
Age-30 years, Occu:Service (Talathi),
R/o-Zari, Tq. and Dist-Parbhani

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...

Mr.Dhananjay M. Shinde Advocate for
Applicant in both the Applications.
Mr.B.A. Shinde, A.P.P. for Respondent.

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CORAM: A.I.S. CHEEMA, J.

DATE : 7TH SEPTEMBER, 2016

ORDER :

1. Criminal Application No.4150 of 2016 has

been filed for suspending the conviction and staying the implementation and operation of Judgment of the trial Court and Criminal Application No.3724 of 2016 is filed for early hearing of the Appeal.

2. Heard counsel for the Applicant. Counsel for Applicant states that the Applicant - accused has filed Appeal against his conviction under Section 7, 12 read with 13(1) and 13(2) of Prevention of Corruption Act, 1988. According to the counsel, the Applicant has good case in the Appeal as no demand was proved. The counsel states that department of the Applicant has given notice, copy of which is filed, as to why the Applicant should not be removed from service due to conviction. According to the counsel, if subsequently the Appeal is allowed, the Applicant cannot be compensated for the period of service he would lose. According to the counsel, by exercising inherent powers, this Court can stay

the implementation and operation of the Judgment of the trial Court.

3. The learned A.P.P. has opposed the Application. According to him, conviction is with reference to corruption which is a serious offence affecting the whole society. According to learned A.P.P., if conviction is suspended and later on the conviction is confirmed, the Applicant would unnecessarily get opportunity to be in public service giving him further opportunities to commit similar offence.

4. I have gone through the Appeal as well as the contents of the Application for suspension of the conviction and stay. The conviction relates to serious offence of corruption which is a serious concern in public life in this Country. There is no substance in the argument that the Applicant would not get compensated if conviction is not suspended and later on Appeal is allowed. If the

Appeal gets allowed and the Applicant/Appellant is acquitted, he would always be entitled to back-wages and consequential benefits of service. For such reasons, I do not find any substance in the Application. The request to stay the Judgment and order of the trial Court cannot be entertained. The Criminal Application No.4150 of 2016 is rejected.

5. The Criminal Application No.3724 of 2016 for early hearing of the Appeal, however deserves to be allowed. Criminal Application No.3724 of 2016 is allowed. The Criminal Appeal No.798 of 2015 is fixed for hearing finally on 3rd October 2016.

6. Both the Applications stand disposed of, accordingly.

[A.I.S.CHEEMA, J.]