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FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPLICATION NO. 82 OF 2016
IN
CRIMINAL APPEAL No. 40 of 2016.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Tejas Hilage for the applicant.

Mr A.S. Shitole, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 5th July, 2016

P.C.

1) This is an application for suspension of conviction of the applicant.

2) The applicant has been convicted for the offence under Section 7 and 13 (1) (d) and 13 (2) of the Prevention of Corruption Act, 1988 and has been sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs. 4,000/- in default of payment of fine to suffer further rigorous imprisonment for four months by the impugned Judgment and Order dated 22/12/2015 in Special Case No. 10/2012 by the learned Special Judge, Kolhapur. The substantive sentence imposed upon the applicant has already been suspended and the applicant has been released on bail by an Order dated 27.1.2016 passed by this Court. The learned counsel for the

applicant submitted that during the pendency of the present appeal, the applicant has already been dismissed from service and unless and until the conviction is suspended, he will not be reinstated. In my view, this cannot be an exceptional circumstance to suspend the conviction of the applicant. The removal or dismissal of the applicant from service is the consequence which is followed after his conviction under the Prevention of Corruption Act.

3) No exceptional circumstance to suspend the conviction is made out. The application being devoid of any merit is hereby dismissed.

(A.S.GADKARI, J.)