

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 109 OF 2016
IN
CRIMINAL APPEAL NO. 50 OF 2016

Nagina @ Nafisa Sarfraz Memon

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. R. D. Suryawanshi Advocate for the Appellant
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 2, 2016.

PC :

Heard. This is an application under section 389 of Code of Criminal Procedure, 1973 seeking suspension of substantive sentence imposed upon the applicant. Applicant herein happens to be original accused no. 4 in Sessions Case No. 262 of 2013. Learned Additional Sessions Judge, Thane, by an order dated 07/01/2016 has been pleased to convict the applicant for offence punishable under section 411 of Indian Penal Code and sentenced to suffer simple imprisonment for 2 years and fine of Rs. 5,000/- each in default to suffer simple imprisonment for 3 months.

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- 2) Learned counsel for the applicant submits that applicant was on bail during the pendency of trial as well as during the pendency of appeal and has not committed breach of any conditions imposed upon her. Learned counsel further submits that sentence imposed upon the applicant is a short term sentence and it is not likely that appeal would be heard in the near future.
- 3) In view of this, substantive sentence imposed upon the applicant deserves to be suspended. Hence, following order.

ORDER

- (i) Application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended.
- (iii) Applicant be enlarged on same bail, fresh bonds.
- (iv) Applicant shall execute fresh bonds within 3 weeks from today. Upon failure to execute fresh bonds within 3 weeks from today, learned Sessions Judge shall issue non- bailable/conviction warrant against the applicant.
- (v) Applicant shall report to the court of Sessions, Thane, once

in six months, as directed by the concerned court, till the decision of the appeal.

(vi) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.

(vii) Application stands disposed of.

(viii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)