

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 137 OF 2016
IN
CRIMINAL APPEAL NO. 73 OF 2016

Shobha Prabhu Kamble. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Aniket U. Nikam, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JANUARY 29, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 389 of the Code of Criminal
Procedure, 1973 seeking suspension of substantive sentence imposed
upon the applicant. The applicant herein is convicted under Section 7
of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I.

3 years and to pay fine of Rs. 3,000/- i.d. to suffer R.I. 3 months. The applicant is also convicted for offence punishable under Section 13(1) (d) read with 13(2) of the Prevention of Corruption Act, 1988 and sentenced to suffer R.I. for four years and to pay fine of Rs. 5,000/- I.d. to suffer further R.I. for six months, by the Special Judge, (Anti-corruption), Pune in Special Case No. 47 of 2015 vide Judgment and Order dated 21/1/2016. The applicant is taken into custody on 21/1/2016. The applicant has deposited an amount of fine.

3 The learned Counsel for the applicant submits that the applicant was on bail during pendency of the trial and has not committed breach of any condition imposed upon her.

4 The sentence imposed upon the applicant is a short term sentence. This Court is hearing Criminal Appeal of the year 1996, wherein the appellants are challenging conviction under the provisions of Prevention of Corruption Act and hence, it would not be possible for this Court to take up the appeal for final hearing in the

near future and therefore, the applicant is entitled to be enlarged on bail. Reliance can be placed upon the Judgment of the Apex Court in the case of **Kiran Kumar v/s. State of M.P. 2001 AIR SCW 5130** for seeking suspension of substantive sentence during the pendency of the appeal which cannot be heard at the earliest thereby causing the prayer to become infructuous.

5 Hence, following order :

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. The applicant be enlarged on bail. Same bail, fresh bond.
- (iii) The applicant shall furnish her residential address, her contact number like landline number, cell phone number, etc. to the concerned court.
- (iv) The applicant shall attend the Court of the Special Judge, (Anti-corruption), Pune once in 6 months on the date specified by the

concerned court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

6 The application stands disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)