

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 375 OF 2013
IN
CRIMINAL APPEAL NO. 1100 OF 2012

Mugat Anandrao Gade. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Dilip B. Bodake, advocate for Applicant.

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

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JANUARY 6, 2016

P.C.:

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

2 Rule. Rule made returnable forthwith with the consent of the
parties.

3 The applicant herein is seeking suspension of conviction. The learned Counsel for the applicant submits that the applicant has been convicted for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and has been sentenced to suffer R.I. for 6 months. According to the learned Counsel, the prosecution has failed to prove guilt of the accused beyond reasonable doubt and therefore, conviction deserves to be suspended. It is further submitted that there is no cogent evidence on the basis of which the conviction is recorded. The learned Counsel for the applicant submits that the applicant is going through financial stringencies. That he has been dismissed from service and therefore, he has prayed for suspension of conviction.

4 Upon enquiry, it is submitted that the applicant is to retire on superannuation in June, 2022. This Court is hearing the criminal appeals under the Prevention of Corruption Act right from the year 1993-1994. In view of this, the present appeal cannot be heard peremptorily. The Hon'ble Apex Court in the catena of decisions has

observed that in the case of corruption, conviction of the accused should not be suspended just for asking. In view of this, application seeking stay to the conviction is rejected.

5 The matter is ready for final hearing. Appeal be added to the board of final hearing commencing in July, 2016.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)