

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 266 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 299 OF 2016

Deepa @ Renu @ Renuka Subhash Kadimal	Applicant
vs.	
The State of Maharashtra	Respondent

Mr. P.D.Purway, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 8th June, 2016.

P.C.

The applicant herein was convicted by the Metropolitan Magistrate, 54th Court, Mazgaon, Mumbai, for the offence punishable under Sections 3, 4 and 7 of the Immoral Trafficking (Prevention) Act, 1956 and sentenced to suffer R.I. for two years for the offence punishable under Sections 3 and 4 of the PITA Act and fine of Rs.2000/- and she was sentenced to suffer R.I. for 3 months and fine of Rs.1,000/- for the offence punishable under Section 4 of the said Act and she was sentenced to suffer R.I. for 3 months for the offence punishable under Section 7 of the said Act vide judgment and order dated 4.9.2014.

2. Being aggrieved by the said judgment and order, the applicant herein had filed Criminal Appeal No.881 of 2014 before the Court of Sessions, Greater Bombay. The learned Sessions Court vide judgment and order dated 6.5.2016 was pleased to dismiss the appeal. The applicant was present at the time of the pronouncement of the judgment and order and hence she was taken into custody on 6.5.2016. Hence, this application seeking suspension of substantive sentence.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well during the pendency of the appeal. She has not committed any breach of the conditions imposed by both the Court. The sentence imposed upon the applicant is a short-term sentence and that she has been in custody for more than one month after the dismissal of the appeal and hence she deserves suspension of substantive sentence. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. She be enlarged on bail. Same bail, fresh bonds.

(iii) The applicant shall cause her appearance before the Metropolitan Magistrate, 54th Court at Mazgaon, Mumbai, once in three months on the date assigned by the said Court.

(iv) Upon failure to attend the said Court on any two consecutive dates, the learned Magistrate shall issue non-bailable warrant against the applicant calling upon her to serve the sentence.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)