

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1128 OF 2016

IN

CRIMINAL APPEAL NO.546 OF 2016

Sou.Vaishali Rohidas Pawar ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Rajesh A. More, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent/State.

....

CORAM : P. N. DESHMUKH J.

DATED : 24th OCTOBER 2016.

P.C.

1 Heard.

2 This application is filed for suspension of conviction of applicant/original accused No.4, who came to be convicted for the offence punishable under Sections 498A, 304-B read with 34 of the Indian Penal Code (For short, "the IPC") and Section 306 of the IPC and sentenced to suffer simple imprisonment for three years for the offence punishable under Section 498A of the IPC, simple imprisonment for five years for the offence punishable under Section 306 of the IPC and simple imprisonment for seven years for the offence punishable under Section 304-B of the IPC. All the sentences are directed to run concurrently.

3 Applicant is released on bail by this Court by its order dated 20/08/2016. Learned counsel for the applicant has contended that as conviction of applicant is not suspended, she is likely to face action of termination by the Authorities of Zilla Parishad, as she is working in Zilla Parishad Primary School Hanumanvasti Kendra at Taluka Purandar, Dist. Pune and though she has good case on merits, in the event conviction is not suspended, she will sustain irreparable loss, and thus prayed that application be allowed.

4 Learned Additional Public Prosecutor opposed the application contending that applicant is not in service and, as such, there is no reason of her being terminated on being convicted, as aforesaid.

5 This Court vide its order dated 20/08/2016 has suspended substantive sentence imposed upon applicant, and she is released on bail *prima facie* on considering the fact that alleged monetary demand was made for providing employment to applicant, who is sister of husband of deceased and for non-fulfilment of said demand, deceased was subjected to ill-treatment. On considering evidence of D.W.No1-Popat Pawar, Deputy Sarpanch of Grampanchayat Walhe and P.W.No.2-Vinod, brother of deceased, it is observed that applicant was interviewed for the post of 'teacher' in the year 2005 and on the day of recording her evidence in the year 2016, she was working as a 'primary school teacher' run by Zilla Parishad. Evidence, as aforesaid, thus established fact of applicant being in service, and, in fact, weighing this piece of evidence, she was released on bail.

In that view of the matter and for the grounds mentioned in the application, application is allowed in terms of prayer clause (a) of the application.

6 Application is thus allowed, as aforesaid.

(P. N. DESHMUKH J.)