

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1133 OF 2016

IN

CRIMINAL APPEAL NO.616 OF 2016

MRS.SHEHNAJBANO KAMRUDDIN KHAN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Niranjan Mundargi a/w. Mr.Vinayak Patil, Advocate for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 30th SEPTEMBER 2016.

P.C. :

1 This application is for suspension of sentence imposed upon applicant and for grant of bail. Learned counsel for applicant had submitted that case of prosecution is full of doubts as it is the specific case of applicant that on the day of incident she had visited the bank to deposit amount of Rs.23,000/-, however, according to the case of prosecution, applicant had visited the bank for depositing Rs.50,000/-.

However, out of 100 notes of Rs.500/- each in denomination, produced by her, 54 notes were found fake and thus, the cashier of the bank after noticing this fact alerted the bank Manager, who in turn lodged report with the police.

2 Learned counsel for applicant had submitted that in view of facts as aforesaid, it was obligatory on the part of prosecution to place on record money receipt produced by applicant along with cash before the Cashier. However, no such document is placed on record. As such, it is submitted that case of prosecution, of applicant depositing Rs.50,000/- or in that case Rs.49,900/-, for want of Pan card, does not stand for any reason.

3 It is further pointed out that even no question is put to applicant while recording her statement under Section 313 of Code of Criminal Procedure about she having knowledge of fake currency notes produced by her for being deposited in the bank. It is, therefore, prayed that in the background of facts aforesaid, application be allowed as applicant was on bail pending trial.

4 Perused the record. It is found that applicant is convicted by the learned Additional Sessions Judge, Thane, for the offence punishable under Section 489B of IPC and is sentenced to suffer rigorous imprisonment for 4 years and to pay a fine of Rs.1,000/-, in default, to suffer rigorous imprisonment for 3 years, and for the offence punishable under Section 489C, she is sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.500/-, in default, to suffer rigorous imprisonment for one month.

Maximum sentence imposed upon applicant is thus for the period of 4 years.

5 Considering the sentence imposed upon applicant as aforesaid, together with the facts of case as discussed above, application is liable to be allowed, as pending trial, applicant was on bail. Hence the following order is passed :

- i) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.25,000/- with one surety in like amount or two sureties in the sum of Rs.12,500/- each.

- ii) While on bail, applicant shall mark his presence with Bhiwandi City Police Station, District Thane, once in three months, on the first day of such month, pending appeal.
- iii) Applicant shall provide proof of his residence to the Investigating Officer and change in address in future, if any, to the concerned police station.
- iv) Application is allowed in above terms.

(P. N. DESHMUKH, J.)