

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1225 OF 2017
IN
CRIMINAL APPEAL NO.637 OF 2017**

Smt. Surekha @ Billo Arun Wadiya ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Rajesh More for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 1st NOVEMBER, 2017.

P.C.:-

The Applicant, who was an accused No.4 in Sessions Case No.250 of 2014 has by this application prayed for suspension of conviction vide impugned judgment and order dated 15th July, 2017 passed by the learned Additional Sessions Judge, Pune.

2. Heard Mr. Rajesh More, the learned counsel for the Applicant and Mr. H.J. Dedhia, the learned APP for the Respondent -State. Perused the records.

3. The Applicant is sister of the mother-in-law of Jyoti, who had committed suicide on 19.10.2013. Pursuant to the FIR lodged by PW1-Suresh Dhaware, brother of the deceased, crime was registered against the aforesaid Applicant and others for offence punishable under Sections 304 B and 498 A r/w. 34 of the IPC. Upon completion of the investigation charge sheet was filed and the case being sessions triable, the same was committed to the Court of Sessions, Pune. The learned Sessions Judge, Pune after considering the evidence on record acquitted the Applicant and the other accused of the offence punishable under Sections 304 B and 498 A r/w 34 of the IPC but held them guilty of offence punishable under Section 306 r/w. 34 of the IPC. Said conviction and sentence has been challenged in Appeal No.637 of 2017.

4. This Applicant vide Criminal Application No.1068 of 2017 had sought suspension of sentence and enlargement on bail. By order dated 3rd August, 2017 this Court (Coram : Revati Mohite Dere, J.) has ordered to release the Applicant on bail on executing PR bond of Rs.15,000/- with one or two sureties in the like amount. By the present application the Applicant has sought suspension of conviction.

5. Mr. Rajesh More, the learned counsel for the Applicant submits that there is absolutely no evidence to show that the Applicant was in any manner involved in commission of the said crime. He has submitted that the Applicant is a Central Government employee and is likely to face action of termination if the conviction is not stayed or suspended.

6. While opposing the said application, Mr. H.J. Dedhia, the learned APP submitted that the Applicant herein was involved in commission of the crime and that this fact is evident from the depositions of the PW1 and PW2. He has submitted that the evidence of these two witnesses clearly indicates that the Applicant and her family members had visited the deceased prior to the incident. The Applicant and others had quarreled with the deceased over the issue of dowry and the same had resulted in lodging of a complaint.

7. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State.

8. A perusal of the impugned order reveals that the learned

Sessions Judge has based conviction of the Applicant mainly on the suicide note at Exhibit-14. Said suicide note is transcribed in paragraph 17 of the impugned judgment. Similarly, NC complaint is placed on record at page 55. A perusal of the transcription the suicide note as well as the N.C. complaint reveals that deceased had not made any accusation against this Applicant. The Applicant is the sister of the mother-in-law of the deceased and undisputedly she was not residing in the matrimonial home of the deceased. The evidence of PW1 and PW2 also does not prima facie indicate that the Applicant was involved in any manner in abetting commission of suicide.

9. The Applicant herein is an employee of the Central Government. Considering the nature of evidence and likelihood of termination of services of the Applicant, in my considered view this is a fit case for suspending the conviction.

10. Under the circumstances and in view of discussion supra, the Application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)