

Anand

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

CRIMINAL APPLICATION NO.488 OF 2017

(For suspension of sentence and bail)

IN

CRI. REVISION APPLICATION NO.496 OF 2017

Dr. Shobhana Arun Patil

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. M. V. Thorat, Advocate, for the Applicant

Ms J. S. Lohakare, APP, for the Respondent No.1 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks suspension of her sentence & enlargement on bail, pending the hearing and final disposal of the aforesaid Revision Application.

3. The Applicant alongwith co-accused – Dr. Arun Patil was convicted & sentenced vide Judgment and Order dated 02.09.2016, passed by the learned Judicial Magistrate F. C., Pimpalgaon(B), Taluka – Niphad, District – Nashik in R.C.C.No.01 of 2012 as under :-

- For the offence punishable under Section 4(3) read with section 34 and Rule 9 punishable under section 23 of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, to suffer R. I. for three years and to pay fine of Rs.5,000/-, in default to suffer S. I. for further period of three months;

- For the offence punishable under Section 3(3) punishable under section 23 of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, to suffer R. I. for three years and to pay fine of Rs.5,000/- each, in default to suffer S. I. for further period of three months;

Both the sentences were directed to run concurrently.

4. Against the said Judgment and Order of the learned JMFC, Pimpalgaon (B), the Applicant preferred an Appeal, being Cri. Appeal No.55 of 2016 and the learned District Judge – 3 & Addl. Sessions Judge, Niphad, District – Nashik was pleased to partly allow the said Appeal and was pleased to set aside the conviction of the Applicant for the offence punishable under section 3(3) read with section 23 of the Pre-Natal and Pre-conception Diagnostic Technique Act, 1994. As far as the offences punishable under section 4(3) read with section 34 and Rule 9 punishable under section 23 of the Pre-Natal and Pre-conception

Diagnostic Technique Act, 1994 were concerned, the conviction and sentence were confirmed.

5. The Revision Application has been admitted by a separate order passed today. Considering the fact, that the Revision Application is not likely to be heard in the immediate near future and the fact that the Applicant was on bail pending the trial and has not abused or misused the conditions of bail, the Applicant's sentence is suspended and she is enlarged on bail, pending the hearing and final disposal of her Revision Application, on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/-** with one or two sureties in the like amount.

6. Accordingly, the Application is disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)