

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

**CRIMINAL APPLICATION NO.1559 OF 2017
WITH
CRIMINAL APPLICATION NO.1560 OF 2017
IN
CRIMINAL APPEAL NO.942 OF 2017**

Mrs. Mona Arun Chopra ...Applicant
Versus
Legal Officer & Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO.1454 OF 2017
IN
CRIMINAL APPEAL NO.874 OF 2017**

Naval Kant Sethi ...Applicant
Versus
Legal Officer & Anr. ...Respondents

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Mr. Manoj Mohite, senior counsel with Ms Sonal Parab, Arya Bike with Mr. Mustafa Bohra i/b. Ms Sonal Sawant for the Applicant in Application No.1559 and 1560 of 2017.

Mr. Shyam B. Keswani for the Applicant in Application No.1454 of 2017.

Mr. H.S. Venegaonkar for CBI in all the applications.

Mr. H.J. Dedhia, APP for the Respondent -State in APPA/1454/2017

Mr. V.V. Gangurde, APP for the Respondent -State in APPA/1559 & 1560 of 2017.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th NOVEMBER, 2017.

P.C.:-

The Applicant in Criminal Application Nos. 1559 and 1560 of 2017 was accused No.2 whereas the Applicant in Criminal

Application No.1454 of 2017 was accused No.1 in CBI Spl. Case No.79 of 2004. They shall be hereinafter referred to as accused Nos.2 and 1 respectively.

2. By judgment dated 5th October, 2017 the accused No.1 has been held guilty of the offences punishable under Section 7, 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act and Section 120B of the IPC whereas the accused No.2 has been held guilty of offence punishable under Section 12 of the Prevention of Corruption Act Both the accused have been sentenced to undergo maximum imprisonment of two years and to pay total fine of Rs.4,000/- whereas the accused No.2 to pay fine of Rs.2,000/- . The Applicants have challenged the judgment and by these applications, the Applicants have sought suspension of execution of sentence pending hearing of the Appeals.

3. The learned counsels for the Applicants have submitted that the accused No.1 as well as the accused No.2 have deposited the fine amount.

4. I have perused the records and considered the submissions

advanced by the learned counsels for the respective parties. The Applicants have been sentenced to undergo short term imprisonment for two years. The Appeals are of the year 2017. Considering the large pendency the cases, the appeals are not likely to come up for final hearing in the next couple of years. Rejecting the prayer for suspension of sentence pending disposal of the appeals, will result in the Applicants undergoing the entire term of imprisonment even before their appeals are heard on merits.

5. It is seen that the Applicants were on bail during pendency of trial. There is no prima facie material to show that the Applicants have violated the terms and conditions of bail. Considering the above facts so also considering the nature of charge, in my considered view this is a fit case for suspending execution of sentence pending the appeals. Hence, the following order is passed :-

(i) The applications are allowed;

(ii) Execution of sentence imposed on the Applicants vide judgment dated 5th October, 2017 in CBI Spl. Case No.79 of 2004 passed by the learned Special Judge for CBI, Greater Mumbai is suspended pending hearing of

the appeals subject to the Applicants furnishing bail bonds of Rs.15,000/- each with one surety to the like amount to the satisfaction of the learned Special Judge for CBI, Greater Bombay.

(iii) The Applicants shall furnish their contact numbers as well as permanent and temporary addresses, if any, and shall intimate change of addresses, if any, to the Investigating Officer and to the concerned Court.

(ANUJA PRABHUDESSAI, J.)