

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

CRIMINAL APPLICATION NO.1462 OF 2017

IN

CRIMINAL APPEAL NO.882 OF 2017

Mankebai Gopal Rathod ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Pravin Gaikwad i/b Abhijit Jaiswal for the applicant.

Mr.A.R. Kapdnis APP for the State.

CORAM: A.M. BADAR, J.
DATED: 15th DECEMBER 2017

PC:-

1. At the outset itself, the learned advocate for the applicant submits that the applicant is not pressing the prayer for stay of conviction.

2. The applicant/accused is convicted of the offences punishable under Sections 366(A) of the Indian Penal Code

and she is sentenced to suffer Rigorous Imprisonment for three years apart from directing her to pay fine of Rs.3,000/- and in default to undergo simple imprisonment for three months.

3. The learned advocate for the applicant submitted that the learned trial Court in exercise of powers under Section 389 of the Code of Criminal Procedure has already suspended the sentence and released the applicant on bail.

4. The learned APP opposed the application by contending that the offence is serious.

5. Perusal of the impugned judgment and order shows that the applicant is acquitted of alleged offences except the offence punishable under Section 366(A) of the Indian Penal Code for which she is sentenced to suffer Rigorous Imprisonment for three years. Substantive sentence of imprisonment imposed on the applicant is already suspended

by the learned trial Court. Her appeal may not be heard within a short period. Therefore, the Order :

(i) The application is allowed.

(ii) The substantive sentence of imprisonment imposed on the applicant/accused is suspended and she is directed to be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on furnishing surety in the like amount.

(iii) The application is disposed of.

(A.M. BADAR, J)