

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

**CRIMINAL APPLICATION NO.1498 OF 2017
IN
CRIMINAL APPEAL NO.898 OF 2017**

Asha @ Ashadevi Raisaheb Singh &
Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. Prashant B. Pawar for the Applicants.

Mr. Y.M. Nakhwa, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th NOVEMBER, 2017.

P.C.:-

By this application the Applicants have sought to suspend execution of substantive sentence imposed vide judgment dated 15th September, 2017 in Sessions Case No.54 of 2014.

2. Heard Mr. Prashant Pawar for the Applicants and Mr. Y.M. Nakhwa, APP for the Respondent-State. Perused the records.

3. The Applicants herein were prosecuted for offences punishable under Sections 498 A and 306 r/w. 34 of the IPC. The Applicant No.2 was the husband of deceased Nitu. She committed

suicide on 21st July, 2012. The Applicant No.2 and his mother i.e. Applicant No.1 were prosecuted for subjecting said Nitu to cruelty and further for abetting her to suicide. After considering the evidence on record the learned Assistant Sessions Judge, Vasai has held the Applicants guilty of offence under Section 498 A of the IPC and they have been sentenced to undergo rigorous imprisonment for a term of two years and three months and to pay fine of Rs.1,500/- each i/d to undergo further simple imprisonment for a period of two months.

4. The learned counsel for the Applicants has submitted that the Applicants have already deposited the fine amount. They were on bail during the pendency of trial and that they have not violated the terms and conditions of the bail.

5. By the impugned judgment, the Applicants have been sentenced to undergo a short term imprisonment for a period of two years. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is 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 Appeal, will result in the Applicants undergoing the entire term of imprisonment even before their Appeal

is heard on merits. Considering the above facts and circumstances this is a fit case for suspension of execution of substantive sentence pending hearing and final disposal of the Appeal. Hence, following order is passed :-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed on the Applicants vide judgment dated 15th September, 2017 in Sessions Case No.54 of 2014 by the learned Assistant Sessions Judge-I, Vasai, is suspended till the final disposal of the Appeal subject to the Applicants furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand only) each with one or two sureties to the like amount to the satisfaction of the learned Assistant Sessions Judge-1, Vasai;
- (iii) The Applicants shall furnish their contact numbers and permanent as well as local addresses, if any, and shall intimate change of addresses, if any, to the Investigating Officer, as well as to the concerned Court.

(ANUJA PRABHUDESSAI, J.)