

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION [APPA] NO.972 OF 2017
IN
CRIMINAL APPEAL NO.569 OF 2017

(Smt. Nirmalkaur w/o Pushpindersingh Wadhava
vs.
The State of Maharashtra, through P.S.O. Sadar, Nagpur)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Y.N. Nayyar, Advocate for the Applicant.
Mrs. S.V. Kolhe, A.P.P. for the State.

CORAM : KUM. INDIRA JAIN, J.

DATE : 20th NOVEMBER, 2017.

Heard Shri Y.N. Nayyar, learned Counsel
for the applicant and Mrs. S.V. Kolhe, learned A.P.P.
for the State.

By this application under Section 389 of
the Code of Criminal Procedure, applicant/accused
is seeking suspension of substantive sentence of
imprisonment awarded by learned Additional
Sessions Judge-10, Nagpur vide judgment and order
dated 29/09/2017 in Sessions Trial No.600/2016.

Accused, a lady of 62 years, was
prosecuted for the offences punishable under
Section 370 of Indian Penal Code and Sections 3, 4,
5, 6 & 7 of the Immoral Traffic (Prevention) Act,
1956. On trial, she has been acquitted of the
offence punishable under Section 370 of Indian
Penal Code and convicted of the offences under
Immoral Traffic (Prevention) Act. The maximum

sentence of imprisonment awarded by trial Court is three years.

Learned Counsel for applicant submits that accused was on bail during trial. On a pertinent query, it is submitted by learned Counsel for applicant that accused has no past antecedents and this was the first case against her.

Considering the term of sentence awarded by trial Court and as accused has been acquitted of the offence punishable under Indian Penal Code, this Court is inclined to suspend the substantive sentence of imprisonment during pendency of appeal. Hence, the following order:

ORDER

- I. The substantive sentence of imprisonment awarded by trial Court is suspended during pendency of appeal on applicant's furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.
- II. Criminal application is allowed and disposed of in the above terms.

Criminal Appeal No.569/2017 :

Heard.

Admit.

Call for record and proceedings.

Mrs. S.V. Kolhe, learned A.P.P. waives service of notice for the respondent.

JUDGE