

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 788 OF 2017****IN****CRIMINAL APPEAL NO. 780 OF 2016**

Ashok Digambar Nisal

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Vivek Salunke for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

**Appeal****CORAM : A. S. GADKARI, J.****DATE : 9<sup>th</sup> APRIL, 2018.****P.C.:-**

This is an Application for suspension of conviction imposed upon the Applicant under the provisions of Sections 7 and 13(1) (d) r/w 13(2) of the Prevention Corruption Act, by Judgment and Order dated 26 October 2016 passed by the learned Additional Sessions Judge-2 and Special Judge, (POC) Act, Thane.

2           Heard Mr. Salunke, the learned counsel for the Applicant at length and the learned APP. The learned APP vehemently opposed the present Application.

3           It is the settled position of law as has been enumerated by the Hon'ble Supreme Court in the case of K.C. Sareen Vs. CBI reported

in (2001) 6 SCC 584 and followed in the case of State of Maharashtra through CBI, Anti Corruption Branch, Mumbai Vs. Balkrishna Dattatraya Kumbhar reported in (2012) 12 SCC 384 that, the conviction of public servants convicted in corruption cases cannot be suspended just because they would otherwise lose their job and/or they may not get other benefits arising out of their service.

4           In view of the above, the present application cannot be entertained. Application is accordingly rejected.

**(A.S. GADKARI, J.)**