

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 702 OF 2014

Sabira Mohd. Ali Raj. .. Appellant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. R.B. Mokashi, advocate for appellant.

Mr. S.H. Yadav, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 18, 2018.

P. C. :

1 Heard the learned Counsel for the appellant and the learned APP for State.

2 Report of Yerwada Central Prison dated 13/6/2017 indicates that on 13/6/2017 the appellant had already undergone 5 years and 11 months. She has been sentenced to substantive sentence of 7 years. It appears that she has undergone the whole of the substantive sentence.

3 The learned Counsel for the appellant submits that the victim who was awarded 50% of the compensation amount has expired. In view of this, P.W. 1 and P.W. 2 who happen to be the injured witnesses i.e. the daughters of the victim would be entitled to the compensation as awarded by the learned Additional Sessions Judge, Greater Bombay vide Judgment and Order dated 11/8/2014 in Sessions Case No. 654 of 2012.

4 For the reasons to be recorded separately, following order is passed :

Talwalkar

ORDER

- (i) The appeal is dismissed.
- (ii) The conviction and sentence imposed upon the appellant under section 452, 307, 324, 342 of the Indian Penal Code by the Additional Sessions Judge, Gr. Bombay vide Judgment and Order dated 11/8/2014 in Sessions Case No. 654 of 2012 is hereby confirmed.
- (iii) If the appellant has already undergone the sentence, she be released forthwith.
- (iv) The compensation awarded to the victim be awarded to P.W. 1 and P.W.2, who happen to be the injured witnesses i.e. the daughters of the victim.
- (v) Writ be expedited.
- (vi) The Registry to communicate this order to the appellant who is lodged in Yerwada Central Prison(Women Cell).

[SMT. SADHANA S. JADHAV, J.]