

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 325 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 322 OF 2019

WITH

CRIMINAL APPLICATION NO. 324 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 322 OF 2019

Mrs. Gunwantiben Bhawarlal Mehta

...Applicant.

Vs.

State of Maharashtra

....Respondent.

Mr. S.P. Kadam a/w Mr. Amey Deshpande for the Applicant.

Smt. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th JULY, 2019.

P.C.:-

These are the Applications for suspension of substantive sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and is sentenced to suffer rigorous imprisonment for three years and to pay a total fine amount of Rs.3,000/-by the learned Metropolitan Magistrate, Special Court for ITPA, 54th Court at Mazgaon, Mumbai in C.C. No. 171/PW/2011 by its

Judgment and Order dated 29th January, 2016.

3 The Criminal Appeal No. 58 of 2016 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai by its Judgment and Order dated 12th June, 2019.

4 Mr. Kadam, the learned counsel for the Applicant submitted that, the Applicant has already deposited the fine amount of Rs.3,000/- in the Registry of the Trial Court. He further, on instructions submitted that, the Applicant is suffering from various ailments and in support of the said submission he tendered across the bar, a Medical Certificate dated 17th July, 2019 issued by Mangalmurti Hospital, Borivali for perusal of this Court. The said Certificate is taken on record.

5 As the maximum sentence imposed upon the Applicant is three years of rigorous imprisonment and the possibility of hearing of the present Revision on merits in near future is remote, I am inclined to suspend the sentence and release the Applicant on bail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the

Applicant is hereby suspended.

- b) During the pendency of the Revision Application, the Applicant be released on bail on her furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.
- c) The procedure for bail be completed before the Trial Court.
- d) The Applicant shall attend the Trial Court on every first Monday once in three months, between 11.00 a.m. and 2.00 p.m. and to mark her presence. If the said first Monday is a public holiday/non-Court working day, in that event, the Applicant shall mark her presence on immediate next working day between 11.00 a.m. and 2.00 p.m.
- e) Both the Applications are allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)