

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1252 OF 2018
(FOR SUSPENSION OF CONVICTION)
IN
CRIMINAL APPEAL NO. 497 OF 2018**

Pradeep Sukumar Bose	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Atharva Dandekar a/w Ms. Akshata Naik, Mr. Raj Dani I/b D M Legal Ventures for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

Mr. H. S. Venegavkar for the Respondent No.2-CBI

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 23rd APRIL 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant, pending the hearing and final disposal of his appeal, seeks suspension/stay of his conviction imposed vide judgment and order dated 3rd March 2018 passed by the Court of the Special Judge (CBI), Greater Bombay in CBI Special Case No. 89 of 2009.

3 Learned counsel for the applicant submits that the applicant was only working as a Clerk in Protector of Emigrants (POE) and is not the main accused in the said case. He submits that the allegation as against the main accused is that he demanded a bribe of Rs. 2,00,000/- for settling the matter with the top officials of the CBI. He submits that the bribe which was alleged to have been demanded, was for a work which was not within the scope of the duty of either of the accused. He further submits that the applicant, as such, seeks suspension/stay of the conviction, pending the hearing and final disposal of his appeal.

4 Mr. Venegavkar, appearing for the respondent No.2-CBI, opposed the application.

5 Perused the papers. From the evidence of the complainant, it is evident that bribe was demanded by accused No. 1-Navin Jambhulkar and that when accused No. 1-Jambhulkar was told that money was arranged, accused No. 1 asked the complainant to

speak to the applicant (accused No.2), pursuant to which, the complainant met the applicant, who was working as a Clerk in the said Office. It appears that when the complainant informed the applicant that accused No. 1 had asked him to talk with him regarding the payment of Rs. 2,00,000/-, the applicant asked the complainant to hand over the money to one Mr. Babu, a travel agent. The said conversation was recorded on a digital micro voice recorder and that the said evidence also has been produced by the complainant.

6 Considering the aforesaid, no case is made out for suspending the applicant's conviction, pending the final hearing and disposal of the appeal.

7 The application is dismissed accordingly.

REVATI MOHITE DERE, J.