

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1338 OF 2019
IN
CRIMINAL APPEAL NO. 1095 OF 2019

Lalita Mohan Jethva and
Momina Javed Hasan Shaikh.

... Appellants/Applicants

V/s.

The State of Maharashtra and Anr.

... Respondents

Mr. Kunal Ambulkar I.by Mr. Vikram Sutaria for Appellant/Applicant.

Mr. S.R. Agarkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 14TH AUGUST, 2019.

P.C. :

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicants herein are seeking suspension of substantive sentence imposed upon the applicants by the Special Judge, Thane in Special Case No. 129 of 2014 (Jud.) vide judgment and order dated 12th July 2019, thereby convicting the applicants for the offences punishable under Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and sentenced to suffer R.I. for one year and fine of Rs.1000/- (Rupees One Thousand only) each, in default, to suffer further S.I. for one month. The substantive sentences shall run concurrently.

3. The sentence imposed upon them is short term sentence. the applicants were on bail during the pendency of the trial and have not committed breach of any conditions imposed upon them. Hence, the applicants deserve the extension of the same relief during the pendency of the appeal. Hence, the following order:-

ORDER

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 12th July 2019 by the learned Special Judge, Thane is hereby suspended.
- iii) The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only), each, and one or more sureties in the like amount.
- iv) The applicants shall cause their presence before the learned Special Judge, Thane once in six months on the date assigned by the learned Special Judge, Thane.
- vi) Upon failure to attend any two consecutive dates, the the learned Special Judge, Thane shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vii) The application stands disposed of.

4. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)