

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.657 OF 2021

IN

CRIMINAL APPEAL NO.483 OF 2021

Lata Eknathrao Tembhurne @ Lata Chandrasen Dongare .Vs. State of Maharashtra,
through P.S.O., P.S. Pulgaon, Dist. Wardha

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S. Mardikar, Senior Adv. a/w Shri V.R. Deshpande, Adv. for the applicant.
Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 09/12/2022

1. By the present application, the applicant is seeking stay to the conviction.
2. In this case substantive sentence has already been suspended by this Court on 25.11.2021, recorded by the learned trial Court vide judgment and order dated 18.11.2021, in Sessions Case No.107 of 2015 thereby convicting the applicant for the offence punishable under Section 304 Part II read with Section 34 of the Indian Penal Code and sentence to suffer rigorous imprisonment for ten years and to pay fine of Rs.50,000/- and in default to suffer rigorous imprisonment for six months.
3. The ground on which the stay to the conviction is sought is that the applicant was not present at the spot when the accident took place however, only on the basis that she is owner of the van, the conviction is recorded.

4. Shri A. S. Mardikar, Senior Advocate for the applicant submits that she is no way connected with the alleged offence. However, because of the conviction there is every likelihood that she may lose her job. It is pointed out that she is working as Head Mistress at Dnyanbharti High School and Junior College, Pulgaon.

5. On the other hand, Shri Rode, learned APP opposes the present application.

6. It can be seen from the record that the applicant has been convicted only for the reason that she is the owner of the vehicle involved in the accident. There is nothing to show that she is directly responsible for the accident. Thus, after going through the impugned judgment and order and considering the role of the applicant in the alleged offence coupled with the fact that she is working as Head Mistress and there is every possibility that because of conviction her service may be terminated, I am of the opinion that as sufficient ground is made out for stay of the conviction, I pass the following order:

a) The criminal application is **allowed** in terms of prayer clause (1).

“1. Stay to the conviction imposed on the applicant for the offence punishable under Section 304 Part II read with Section 34 of the Indian Penal Code in Sessions Case No.107 of 2015 passed by the learned Additional Sessions Judge, Wardha.”

The criminal application is **disposed of** accordingly.