

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.5049 OF 2024
IN
APPEAL NO.1517 OF 2019

Sudha Pandurang Kale .. Applicant
Versus
The State of Maharashtra .. Respondents
...

Mr. Abhishek Ingale i/b Mr. M.L. Patil for the Applicant.
Mr. J.P. Yagnik, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 17th DECEMBER, 2024

P.C:-

In Interim Application No.5049 of 2024

1. The applicant trite as accused no.41, in Special Case No.1 of 2014 by the Special Judge, Dhule, stand convicted for an offence punishable under section 177, 201, 406, 409, 420, 465, 468, 471 r/w 120-B, 109 and 34 of IPC, and also for the offence punishable under Section 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988. The learned counsel representing the applicant has invited our attention to the orders passed by us in case of co-accused, Kailash Narayan Sonawane and Pandurang Raghunath Kale on 16/07/2024, and 22/10/2024, respectively.

The aforesaid orders were based on the observations by the Apex Court, in Criminal Appeal filed by Bhagatram Ravalmal Blani

(Balani) vs. State of Maharashtra, when the had appellant approached the Apex court, being aggrieved by the order of the Division Bench of the High Court dated 9/12/2021, which refused him to suspension of his conviction.

Referring to another convict in the Criminal Appeal, whose special leave petition was allowed on 15/12/2022, taking into consideration that the coordinate Bench of the High Court of Judicature at Bombay had granted suspension of his conviction in the wake of a similar allegations levelled, even he was held entitled for the said relief. It is in light of the aforesaid orders, the present applicant is also entitled for the benefit of the order as no different circumstances are brought to our notice, by the learned APP Mr. Yagnik.

Hence, we deem it appropriate to suspend the conviction recorded by the Special Judge, in the impugned judgment, while the appeal of the appellant is pending. The application is therefore made absolute in terms of prayer clause (a).

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)