

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4644 OF 2025

IN

CRIMINAL APPEAL NO. 1239 OF 2025

Mrs. Tarannoom Vakil Ahmed Attarwala ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Rajendra Rathod with Mr. Zeeshan Sardar and Mr. Mujtaba Shaikh, for the Applicant.

Ms. Shilpa K. Gajare, APP, for the State.

CORAM: R. M. JOSHI, J.

DATED: 5th JANUARY, 2026.

PC:-

1. This is an Application for suspension of sentence and enlargement of the Appellant on being convicted by Judgment and Order dated 18th November, 2025 passed in Sessions Case No.452 of 2014.

2. The learned counsel for the Appellant submits that the Appellant has been convicted for the offence punishable under Section 307 of the Indian Penal Code (IPC) and sentenced to suffer five years imprisonment. It is his submission that this is a short term sentence and having regard to the fact that the appeal is not

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likely to be heard in near future, the same shall become infructuous. On merit it is argued that though some allegations against the present Appellant of causing injury, there is no recovery of any blunt object. He further drew the attention of the Court that the evidence of Medical Officer who in the cross-examination has accepted that except injury on the neck which is not attributable to the Appellant, the other injuries are not likely to cause death of any person in normal course. It is his further contention that having regard to the fact that there are property disputes, the possibility of false implication or exaggeration is not ruled out.

3. Learned APP opposed the Application on the ground that there are more than one accused persons who jointly caused assault on the injured. She drew attention of the Court to the injury certificate which indicates about causing of six injuries on the person of the injured. It is further argued that since Section 34 of IPC has been applied against accused persons, the common intention showed by all the accused persons is sufficient to maintain conviction of the Appellant for offence under Section 307 of the IPC.

4. From *prima facie* consideration of the material on record, it is clear that there are disputes between the parties over the property and number of proceedings including criminal cases are filed against each other. Pre-existing disputes create possibility of commission of a crime as well as false implications. Prima facie it appears for the learned counsel for the Appellant that the Appellant may have a good case on merit in the Appeal, as there is no recovery of any weapon at the instance of Appellant. Similarly,

the injury caused to the neck of the injured which was likely to cause death of the injured is not attributable to the present Appellant. Appellant is a lady. She is not likely to flee from justice.

5. In view of the above, following order is passed:

ORDER

(i) The substantive sentence imposed by the Trial Court in Sessions Case No.452 of 2014 by Judgment and Order stands suspended till decision of the Appeal.

(ii) The Appellant be enlarged on bail on furnishing P.R. bond in a sum of Rs.15,000/- (Fifteen thousand rupees) with one surety in the like amount.

6. In view of the above, Interim Application No.4644 of 2025 stands disposed of.

(R. M. JOSHI, J.)