



(9) CRMA 72.2024

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**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 72 OF 2024
IN
CRIMINAL APPEAL NO. 12 OF 2017**

ELIZA FERNANDES

... APPLICANT

Versus

STATE, THR. POLICE INSPECTOR
PANAJI POLICE STATION
AND ANR.

... RESPONDENTS

Ms. Shalaka Shelke, Advocate for the Applicant.

Mr. Pravin Faldessai, Additional Public Prosecutor for State.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 7th OCTOBER, 2024.

P.C.:

1. Heard Ms. Shelke, learned Counsel appearing for the Applicant and Mr. Faldessai, Additional Public Prosecutor appearing for State.
2. This is an application filed for release of the Fixed Deposit along with the Solvency certificate, issued by the

Applicant in the name of the Registrar of this Court, in view of the order dated 09.03.2017 in Criminal Miscellaneous Application No.73 of 2017 arising out of Criminal Appeal No. 12 of 2017.

3. The applicant was convicted by the Children's Court for the offence punishable under Section 8(2) of the Goa Children's Act, 2003 and was sentenced to undergo simple imprisonment for the term of one year and to pay fine of Rs.1,00,000/- (Rupees One Lakh only) and in default, to undergo simple imprisonment for a further period of one year.

4. The Applicant challenged the said Judgment of the Children's Court by filing an Appeal No. 12 of 2017. However, an application bearing Criminal Miscellaneous Application No. 73 of 2017, was filed in the said Appeal for suspension of sentence wherein an order is passed by this Court on 09.03.2017 which reads thus:

“P.C. Heard Mr. S. G. Desai, learned Senior Counsel appearing for the applicant and Mr. S. R. Rivonkar, learned Public Prosecutor appearing for the respondents.

2. This is an application to suspend the execution and operation of the sentence imposed on the applicant by judgment and order dated 31.01.2017 and 13.02.2017 whereby the applicant was found guilty of committing an offence punishable under Section 8(2) of the Goa Children's Act. The Appeal has ready been admitted. It is pointed by the learned Senior Counsel appearing for the applicant that the applicant was on bail ring the pendency of the case and the sentence imposed by the impugned judgment was suspended for a period of 30 days which is due to expire within a few days.

3. In the peculiar facts and circumstances of the case, the sentence imposed in the impugned judgment is suspended subject to the applicant furnishing a personal bond of Rs.10,000/-with one surety of the like amount to the satisfaction of the learned Registrar (Judicial) of this Court and furnishing a security to the satisfaction of the learned Registrar (Judicial) of this Court towards the fine amount imposed in the impugned judgment. The applicant shall remain present in this Court at the time of the hearing of the appeal.

4. The application stands disposed of accordingly.”

5. During the pendency of the said Appeal, the Applicant furnished Solvency certificate dated 14.03.2017 along with the copy of Fixed Deposit receipt issued by the Bank of India in compliance of paragraph No.3 of the order dated 09.03.2017. The Appeal was decided by the Judgment dated 23.12.2022. While allowing the said Appeal, the Applicant was acquitted from the offence punishable under Section 8(2) of the Goa Children's Act, 2003 thereby, quashing and setting aside the order of the Children's Court.

6. Accordingly, Solvency certificate and Fixed Deposit receipt furnished by the Applicant needs to be released.

7. The Registry shall accordingly inform the concerned Bank by releasing the Solvency certificate as well as Fixed Deposit receipt.

8. The application stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.