

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2098/2012

(From the judgement and order dated 21/02/2012 in CRLA No.487/2011 in CRLRA No.491/2011 of The HIGH COURT OF BOMBAY)

DIMPAL RAJU TAMANG Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

(With appln(s) for bail and office report )

Date: 27/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)  
Mr. Shivaji M. Jadhav,Adv.

For Respondent(s)  
Mr. Mike P. Desai, Adv.  
for Ms. Asha Gopalan Nair,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Heard learned counsel for the parties.

The High Court has declined suspension of sentence imposed upon the petitioner who has been convicted under Sections 366, 373 read with Section 34 of the Indian Penal Code and Sections 3, 4, 5 and 7(1)(B) of the Immoral Traffic (Prevention) Act, 1956 and sentenced to undergo imprisonment for a period of seven years.

The only ground urged by learned counsel for the petitioner in support of this petition is that the

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petitioner is suffering from HIV. He submits that despite the orders of the High Court, the petitioner is not likely to get proper medical help if she continues to be in jail.

We asked learned counsel for the petitioner whether we should direct better medical facility to be

provided to the petitioner and if so, where and under whose care, can those facilities be made available. Learned counsel for the petitioner is unable to give a satisfactory answer to that query and submitted that it is only her brother who can take care of her if she is released on bail. The petitioner appears to be a young woman aged about 32 years. She has undergone just about seven months imprisonment so far. Keeping in view her medical condition and the nature of allegations resulting in her conviction, we do not find any reason to interfere with the order passed by the High Court. All that we consider just and proper at this stage is to request the High Court to hear and dispose of the revision petition filed by the petitioner as expeditiously as possible. With that request to the High Court we dispose of this special leave petition. Needless to say that if there is any further medical aid required by the petitioner besides what is being

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provided to her, she shall be free to approach the High Court for a suitable direction in the matter.

(Sukhbir Paul Kaur)  
Court Master

(Veena Khera)  
Court Master