

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No.1093/2015.

IN

Criminal Appeal No.214/2015.

SHANKAR S/O BHAUSAHEB WALKE.

VERSUS

THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Rajendra Deshmukh, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **VM. Deshpande, J.**

DATE : **23rd March, 2015.**

Per Court :-

Heard Mr. Rajendra Deshmukh, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[2] This Criminal Application is filed for suspension of substantive jail sentence and for grant of bail. Vide Judgment and Order dated 30th January, 2015, passed in Sessions Case No.271 Of 2013, the applicant is convicted by the learned Additional Sessions Judge, Ahmednagar for the offence punishable under Section 307 of the Indian Penal Code and he was directed to suffer rigorous imprisonment for ten years and to pay fine of Rs.5000/- and in

default of payment of fine, to suffer further rigorous imprisonment for six months.

[4] The learned counsel for the applicant has stated that during the trial, present applicant was not on bail.

[5] Looking to the nature of the evidence adduced against the present applicant during trial and looking to the fact that, during trial the applicant was not on bail, who used the firearm, he is not entitled for suspension of substantive jail sentence. Hence, Criminal Application No.1093/15 is rejected.

(V.M. DESHPANDE, J.)