

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

CRIMINAL APPLICATION NO. 1448 OF 2015

Shakil S/o Munaf Khatik and others

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Mr Shaikh Mazhar A. Jahagirdar, Advocate for the petitioner
Mr S. D. Kaldate, APP for respondent/State
.....

**CORAM : SMT. S. S. JADHAV, J.
DATED : MARCH 20TH, 2015.**

PER COURT: -

. This is an application seeking suspension of substantive sentence imposed upon the applicants. The applicants herein are convicted by learned Jt. Judicial Magistrate First Class, Taloda, Dist. Nandurbar, vide judgment and order dated 18th August, 2009, in R.C.C. No. 105/2004, for offence punishable under Section 379 read with 34 of the Indian Penal Code and is sentenced to substantive sentence for 13 months and fine of Rs. 500/-, in default, rigorous imprisonment for 15 days. Being aggrieved by the said judgment and order, the applicants herein have filed Criminal Appeal No. 24/2009. By judgment and order dated 11th March, 2015, the appeal was

dismissed by an Ad-hoc Additional Sessions Judge, Shahada, Dist. Nandurbar. The applicants have surrendered to the bail bonds on the same date.

3. The learned Counsel for the applicants submits that, the applicants were on bail during the pendency of the trial and during pendency of the appeal and have not breached any of the bail conditions and, hence, the applicants are entitled to the extension of the same relief during the pendency of the Revision Application. The learned Counsel for the applicants further submits that, the applicants herein have arguable case and that they are hopeful that the revision application would be allowed. The sentence imposed upon the applicants is a 'short term sentence' and hence this Court is inclined to allow the application seeking suspension of substantive sentence order. The following order is passed.

ORDER

- (i) The application is allowed. The sentence imposed upon the applicants vide order dated 18th August, 2009 and confirmed on 11th March, 2015, is suspended. The applicants be enlarged on bail. Same bail. Fresh bonds.

- (ii) The applicants shall report to the trial Court once in six months on the date as may be directed by that Court till the disposal of the Revision Application.
- (iii) In case of failure to attend the trial Court on any two consecutive dates, the prosecution shall be at liberty to move for cancellation of bail.
- (iv) Parties to act on an authenticated copy of this order.

Application stands disposed accordingly.

(SMT. S. S. JADHAV, J.)