

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

Criminal Application No.2229 Of 2015.

**In
Criminal Appeal No. 383 Of 2015.**

GULAMHUSSAIN AKBAR SAYYAD & ORS.
VERSUS
THE STATE Of MAHARASHTRA

Appearance :-

Mr. Arvind S. Kale, Advocate for the Appellants.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 27th APRIL, 2015.

PER COURT :-

Heard Mr. Arvind S. Kale, Advocate for the Appellants and Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

[2] By the present application, the applicants who are convicted by the learned Additional Sessions Judge, Shrirampur, District – Ahmednagar in Sessions Case No.43 Of 2008 vide his Judgment and Order dated 25th March, 2015, for the offences punishable under Section/s 143, 147, 148, 149, 323, 324 of the Indian Penal Code and under Section 4 read with 25 of Arms Act are before this court for suspension of substantive jail sentence.

[3] Maximum sentence that is awarded against the present applicants is six months. The applicants were on bail throughout. Further the learned trial court has also suspended the substantive jail sentence in order to enable the applicants to approach before this court, by exercising powers under Section 389 of the Code of Criminal Procedure.

[4] In that view of the matter, this court is of view that, the substantive jail sentence shall remain suspended during pendency of the present Appeal. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Substantive jail sentence as imposed by learned Additional Sessions Judge, Shrirampur, District – Ahmednagar vide his Judgment and Order dated 25th March, 2015 passed in Sessions Case No.43 Of 2008, thereby convicting the applicants for the offences punishable under Section/s 143, 147, 148, 149, 323, 324 of the Indian Penal Code and under Section 4 read with 25 of Arms Act is hereby suspended during pendency of the present Appeal.

(iii) Applicant No.1 – Maheebub Imam Pathan, Applicant No.2 – Ismile Nasir Shaikh, Applicant No.3 – Ajij Meheebub Pathan, Applicant No.4 – Akram Nasir Shaikh and Applicant No.5 – Ayub Imam Pathan shall be released on bail on they executing PR Bond of Rs. 15,000/- (Rs.Fifteen Thousand.) each with one solvent surety in the like amount.

(iv) Bail before trial court.

(v) The applicants shall remain present before this court, at the time of final hearing of Criminal Appeal.

(v) With this Criminal Application allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)

GAG/ca 2229/15 in CRI.APPEAL/383/15.