

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 74 OF 2015

IN

CRIMINAL APPEAL NO. 9 OF 2015

SHRI SHAIKH IMTIYAZ, PRESENTLY IN
CENTRAL JAIL, AGUADA.

... Applicant

Versus

STATE, THROUGH PUBLIC PROSECUTOR
AND ANR.,

... Respondents

Mr. Rohan Pandurang Dessai, Advocate for the applicant.
Mr. M. Amonkar, Additional Public Prosecutor for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 26th March, 2015

P.C.

Heard.

2. Issue notice to the respondents.
3. Shri Amonkar, learned Additional Public Prosecutor waives notice on behalf of the respondents.
4. The applicant was prosecuted for the offences punishable under Sections 452 and 326 of Indian Penal Code (I.P.C., for short). By a judgment and order dated 19/03/2015 in Sessions Case No. 33/2008, the applicant has been convicted for the offences punishable under Sections 452 and 326 of I.P.C. For the offence under Section 452 of I.P.C., the applicant has been sentenced to undergo Rigorous Imprisonment for two years and to pay fine of Rs.10,000/-, in default to undergo Rigorous Imprisonment for six months and for the offence under Section 326 of I.P.C., the applicant has been sentenced to

undergo Rigorous Imprisonment for four years and to pay fine of Rs.10,000/-, in default to undergo Rigorous Imprisonment for six months and an amount of Rs.10,000/- realised out of fine amount, is directed to be paid to the victim girl.

5. On hearing the learned Counsel for the parties, it appears that the applicant was on bail during the trial and there are no allegations that he has misused the liberty. Considering the above circumstances, the following order is passed :

- (i) The substantive sentence of imprisonment is hereby suspended, pending disposal of the appeal, on condition of the applicant furnishing P. R. Bond of Rs.25,000/-, with one solvent surety in the like amount.
- (ii) Bail before the Sessions Court.

The parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA