

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.40 OF 2015
IN
CRIMINAL APPEAL NO.54 OF 2015**

Prashant Mahabal Shetty ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....

Mr.Gautam Kanchanpurkar, Advocate for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 28TH JANUARY, 2015

P.C.

1. Heard the learned counsel for the applicant on the question of suspension of sentence.

2. It is true that the sentence imposed upon the applicant is small i.e. of rigorous imprisonment for a period of two years. It is also true that the applicant has remained in custody for about 9 months. However, the nature of evidence that was adduced against the applicant during the trial appears to be strong.

3. Under these circumstances, I am not inclined to suspend the sentence imposed upon the applicant, unless there would be a delay in disposal of the appeal. In the circumstances, I think it fit to direct the appeal to be listed for final hearing. It be peremptorily fixed on **23rd February, 2015**. Liberty to furnish a private paper book.

4. The application for suspension of sentence is rejected.

5. Liberty to renew the application for suspension of sentence, in the event of the appeal, for whatever reasons, not being taken up for final hearing by the end of February, 2015.

(ABHAY M. THIPSAY J.)