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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL MISC. APPLICATION NO.211 OF 2015

IN

CRIMINAL APPEAL NO.1322 OF 2013

Mohd. Arshad Mohd. Tahir Shaikh

..Applicant

-Versus-

The State of Maharashtra

..Respondent

.....

Mr. Milan Desai i/b. Ms. Saeeda Shaikh for the Applicant.

.....

**CORAM: S. C. DHARMADHIKARI AND
A. K. MENON, JJ.**

DATE :- 31st MARCH, 2015.

PC.:

Having heard the Applicant, we think that the application is misconceived.

2] No order of a Court is required to enable a convict and sentenced to undergo imprisonment for a term to avail of the benefit of set off. Meaning thereby, if he was in prison and in custody during the course of trial and later on, convicted and sentenced to suffer the imprisonment for a term, the period of sentence undergone by him during the course of his trial if can be set off in law, then, set off is admissible irrespective of what a Court of law states in its order or otherwise. In such circumstances, no clarification as sought is required. The Application is dismissed. No costs.

(A. K. MENON, J.)

(S. C. DHARMADHIKARI, J.)