

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.958 OF 2015
IN
CRIMINAL APPEAL NO.1030 OF 2013**

Mr.Mohd.Sharif S/o.Latif Urahma Shaikh ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Kaushik M.Mhatre, Advocate for the Applicant.

Mrs.S.Gajare-Dhumal, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 27TH AUGUST 2015

P.C.

1. Heard Mr.K.M.Mhatre, the learned counsel for the applicant. Heard Mrs.Gajare-Dhumal, the learned Additional Public Prosecutor for the Respondent/State.

2. The appeal filed by the applicant challenging his conviction and the sentences imposed upon him by the learned Additional Sessions Judge has already been admitted. By the present application, the applicant prays that pending the hearing and final disposal of the appeal, the substantive sentences imposed upon him be suspended and he be released on bail.

3. The applicant has been convicted of an offence punishable under Section 376 of the Indian Penal Code (For short, “the IPC”) and is sentenced to suffer Rigorous Imprisonment for 10 years and to pay a fine of Rs.10,000/-. He has also been convicted of an offence punishable under Section 506 of the IPC and is sentenced to suffer Rigorous Imprisonment for one year and to pay a fine of Rs.2,000/-.

4. I have been taken through the evidence of the victim/prosecutrix. I have also been taken through the medical evidence, that was adduced during the trial.

5. After carefully considering the matter, this does not appear to be a fit case, where the substantive sentences imposed upon the applicant should be suspended during the pendency of appeal. Since, however, it is true that the applicant is in custody since 14th August 2013, in view of the rejection of the application for suspension of sentences, the appeal needs to be expedited.

6. The application is rejected.

7. However, the hearing of the appeal is ordered to be expedited. As the same is ready for final hearing, it be listed on board for final hearing on 28th September 2015.

8. Liberty to the applicant to apply afresh for suspension of sentences and bail, should the appeal be not heard and not disposed of within one year from today.

9. Let a copy of this order be forwarded to the applicant, who is lodged in Kolhapur Central Prison. The prison authorities shall serve the same on the applicant and forward the acknowledgement thereof to this Court.

(ABHAY M. THIPSAY J.)