

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1255 OF 2015

IN

CRIMINAL APPEAL NO.87 OF 2013

MARUTI BHAURAO PHAD

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri H.E.Mooman with Shri Sherali Khan, Advocate for the Applicant in Criminal Application No.1255 of 2015.

Shri Ganesh Gole, Advocate for the Intervenor in Criminal Application No.1302 of 2015.

Shri Deepak Thakre, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 20th NOVEMBER 2015.

P.C. :

1 Heard Shri H.E.Mooman, the learned counsel for the applicant. Heard Shri Deepak Thakre, the learned APP for the State. I have also permitted Shri Gole to appear and make submissions on behalf of the injured for the purpose of opposing the present application.

2 The main thrust of the argument of the learned counsel for the applicant, for the purpose of the present application, is on the fact that, there is nothing to indicate that the offence committed by the applicant would be one punishable under Section 307 of the Indian Penal Code (IPC). He also submits that the sentence is of 7 years and the applicant has already remained in custody for a period of about 3½ years. The learned APP and Shri Gole point out that the applicant has suffered another conviction also in respect of the offence punishable under Section 307 of the IPC. Shri Gole submits that the present offence took place when the applicant was already on bail in a previous case, in respect of an offence punishable under Section 307 of the IPC. He also submits that, in that case, the applicant came to be convicted. It is also submitted that, while filing an appeal challenging the said order of conviction, the applicant suppressed from this court the pendency of the present case against him, and secured bail during appeal.

3 That, the applicant has suffered conviction in respect
of an offence punishable under Section 307 of the IPC in another
case also, is not disputed by the learned counsel for the applicant.

4 Under these circumstances, the proper course appears
to me, to hear the appeal itself expeditiously. In the light of the
fact that the applicant has already suffered a conviction in some
other case, I do not think it fit to suspend the sentence imposed
upon him during the pendency of the present appeal.

5 The application is rejected.

 However, the hearing of the appeal is expedited.

6 The appeal be listed peremptorily for 'Final Hearing'
on 8th December 2015.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment / Order.**