

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 536 OF 1996

Stanlei Imanvel Maben

.....Appellant

V/s.

The State of Maharashtra

....Respondent

WITH
SUO MOTO APPLICATION NO. 2 OF 1996
IN
CRIMINAL APPEAL NO. 536 OF 1996

The Court on its own motion

....Applicant

V/s

Stanlei Imanvel Maben

....Respondent

Mr. Abhaykumar Apte Advocate a/w
Mr. S. R. Phanse Advocate for Appellant
Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 2, 2016.

PC :

Present appellant was arrested on 12/10/1991 in crime no. 483 of 1991
of V.P. Road Police Station. It appears from the records that he was released

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on bail on 09/04/1994. Appellant had not attended the scheduled dates at the time of trial. A proclamation was issued under section 82 of Code of Criminal Procedure, 1973. On 11/12/1995 when the Sessions Court was to pronounce the Judgment in the case of original accused no. 1 Vinodkumar Chobe, present appellant was produced before the court. Learned Sessions Judge had passed an order under section 299 of Code of Criminal Procedure, 1973. Prosecution witnesses nos. 1, 2, 3, 4 & 7 were recalled, however, it does not appear that they were re-examined and the order under section 299 of Code of Criminal Procedure, 1973 had taken effect. By Judgment and Order dated 19/07/1996, present appellant was convicted for offence punishable under section 394 of Indian Penal Code and was sentenced to rigorous imprisonment for 4 years and fine of Rs. 500/- in default to suffer further rigorous imprisonment 15 days.

2) By an order dated 16/10/1996, appellant was enlarged on bail, however, this Hon'ble Court had issued notice of enhancement. In view of this, it is clear from the records that appellant has approximately undergone about 17 months in custody.

3) Issue non-bailable warrant against appellant Stanlei Imanvel

Maben. V. P. Road Police Station shall execute the non-bailable warrant, as early as possible, preferably within 8 weeks from today. The Joint Commissioner of Police (Crime), Mumbai shall personally look into the matter and see that non-bailable warrant issued by this court is executed.

4) For the reasons to be recorded separately, following order is passed.

ORDER

(i) Appeal is dismissed.

(ii) Notice of enhancement issued by this Court on 16/10/1996 is hereby allowed and disposed of accordingly.

(iii) Conviction of appellant for offence punishable under section 394 of Indian Penal Code is maintained.

(iv) Appellant is sentenced to rigorous imprisonment for 5 years (Instead of 4 years) and fine is enhanced to Rs. 2000/- in default to suffer further rigorous imprisonment for one month.

(v) Appellant has undergone approximately 5 years of substantive sentence. Hence, he be released forthwith, if not required in any other

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offence.

(vi) Professional fees of learned counsel appointed for the appellant, is quantified to the tune of Rs. 2000/-, similarly learned counsel Shri. Abhaykumar Apte has assisted this Court. His professional fees is quantified to the tune of Rs. 2000/- to be paid to them within 3 months from today.

(vii) Appeal stands disposed of.

(SMT. SADHANA S. JADHAV, J.)