

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.199 OF 2016

IN

CRIMINAL APPEAL NO.161 of 2015

Jitu @ Barisab Baburao Rajput .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.N.L. Ramnani i/b Mr.Kedar J. Patil, Advocate for the applicant.

Mrs.M.R.Tidke, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 4th APRIL 2016

P.C. :

1 Heard Mr.N.L. Ramnani, learned counsel for the applicant. Heard Mrs.M.R.Tidke, learned APP for the State.

2 The Appeal filed by the applicant challenging his conviction of an offence punishable under Section 395 of the IPC and the sentence of Rigorous Imprisonment for 10 years and fine of Rs.5,000/-, has already been admitted.

3 By the present application, the applicant prays that the substantive sentence imposed upon him be suspended during the pendency of the Appeal and that he be released on bail.

4 This is the third application for suspension of sentence, pending Appeal. The first one was rejected on 13th March 2015 (Criminal Application No.289/15). By the said order, liberty was granted to the applicant/appellant to move the Court for an expeditious hearing of the Appeal.

5 It, however, appears that the applicant once again applied for suspension of sentence, which application also came to be rejected on 20th October 2015 (Criminal Application No.1342/15) (Coram A.R.Joshi, J). It appears that the applicant was also denied any relief in terms of expeditious hearing of his Appeal. It is under these circumstances that the present application has been made.

6 The learned counsel for the applicant has taken me through the relevant evidence. I find that the prosecution case which has been held as proved is to the effect that the applicant was apprehended while running away from the spot after committing the offence. A number of contentions have been raised about the nature of the offence which the facts held as 'proved' would establish. It is also clear, that the applicant is in custody for more than three years.

7 Considering all the relevant aspects of the matter though this is not a fit case to suspend the substantive sentence imposed upon the applicant, it would be just and proper to hear the Appeal expeditiously.

8 Application is rejected.

9 However, it is directed that the Appeal be listed for final hearing in the week commencing from 13th June 2016.

(ABHAY M.THIPSAY, J)