

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 181 OF 2016**

Rizwan Shafi Mujawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Prashant Gurav for the Applicant

Mr. D. P. Adsule, A.P.P for the Respondent-State

HC Mr. Nitin R. Phulpagare from Malad Police Station is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st MARCH, 2016

P.C. :

1. In view of the direction that I propose to pass, learned Counsel for the applicant does not press this application for suspension of sentence and release of the applicant on bail, pending the hearing and final disposal of his appeal being Criminal Appeal No. 12 of 2016, which is pending before the learned Sessions Judge at Greater Bombay, Dindoshi, Mumbai.

2. Perused the papers. The applicant has been sentenced by the trial Court to suffer RI for 2 years and to pay a fine of Rs. 15,000/-, in default, to suffer RI for 6 months, for an offence punishable under Section 394 r/w Section 34 of the Indian Penal Code. Against the said Judgment

and Order convicting him as aforesaid, the applicant has filed an appeal which is pending before the Sessions Court at Dindoshi, Borivali Division, Goregaon, Mumbai.

3. Considering the fact that the applicant has already undergone over 50% of his sentence, it would be appropriate to direct the learned Sessions Judge, who is seized of the Criminal Appeal No. 12 of 2016, to hear and dispose of the said appeal on or before 30th April, 2016.

4. It is made clear that this application has not been heard on merits and the learned Judge shall dispose of the appeal on its own merits, uninfluenced by the withdrawal of this application.

5. The application is accordingly disposed of.

6. Registry to communicate this order to the Sessions Court at Dindoshi, Borivali Division, Goregaon, Mumbai, forthwith.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.