

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.434 OF 2016

IN

CRIMINAL APPEAL NO.805 OF 2015

AMIT BANSI CHAVAN AND ANR.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Kuldeep S. Patil, Advocate for the Applicants.

Smt.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 5th APRIL 2016.

P.C. :

1 Heard Shri Kuldeep S. Patil, the learned counsel for the applicants. The application filed by the applicants previously for suspension of substantive sentences was rejected by this court, and when the matter was taken to the Supreme Court, the decision of this court was upheld. Liberty has been given to the applicants to renew their request for suspension of substantive sentences '*after sometime*', if the appeal is not heard.

2 The sentence is of 5 years. It appears that the applicants have remained in custody for a period of about 10 months. Since the question of suspension of substantive sentences has been recently considered by this court and also by the Supreme Court of India, it would not be proper to again consider the question just because two months have passed, since the order passed by the Supreme Court of India. It would, however, be proper to fix the appeal for final hearing, at an early date.

3 The application for suspension of sentence is rejected.

 However, the appeal is directed to be listed for '**Final Hearing**' in the week commencing from **20th June 2016**.

(ABHAY M. THIPSAY, J.)