

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1059 OF 2015

IN

CRIMINAL APPEAL NO.854 OF 2015

**WALIAHMED S/o. SHAFI AHMED KAZMI)
SHAIKH)...APPLICANT**

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Akram Kapoor, Advocate for the Applicant.

Smt.PPBhosale, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 8th MARCH 2016.

P.C. :

1 Heard Shri Akram Kapoor, the learned counsel for the applicant. Heard Smt.PPBhosale, the learned APP for the State. I have gone through the report in respect of the medical condition of the applicant that has been received from the Chief Medical

Officer, Nasik Road, Central Prison. It does appear that the applicant is suffering from some ailment but it also appears that he is being treated properly in the Civil Hospital at Nasik, and that, today his general condition is fair.

2 I have been taken through the evidence of certain witnesses as was adduced during the trial.

3 It is submitted that the applicant is in custody since 1st February 2013, and that, thus, he has remained in custody for a period of more than 3 years. Though this is true, considering all the relevant aspects of the matter, I am not inclined to suspend the sentence imposed upon the applicant. It would be proper, instead, to direct the hearing of the appeal itself to be expedited.

4 The application is rejected.

 However, the hearing of the appeal is ordered to be expedited.

5 Liberty to the applicant to move the court for getting a date for the Final Hearing of the appeal fixed, after receipt of the Record and Proceedings with Paper book.

6 Liberty to the applicant to apply afresh for suspension of sentence, in the event of the appeal not being taken up for Final Hearing within a period of Six months from today.

(ABHAY M. THIPSAY, J.)