

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1358 OF 2015

IN

CRIMINAL APPEAL NO.1057 OF 2015

SHABAJ ISAQ SHAIKH & ANR.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri M.A.H.Solkar, Advocate for the Applicant.

Smt.PPBhosale, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 5th JANUARY 2016.

P.C. :

1 Heard Shri Solkar, the learned counsel for the applicant.

2 The appeal filed by the applicants challenging the conviction and the sentence imposed upon them has already been

admitted. By the present application, the applicants seek suspension of substantive sentences imposed upon them and their release on bail, pending the appeal.

3 Though it is submitted that the applicants were on bail during the trial, and that, there had been no complaint or grievance about their having misused the liberty granted to them, I find that the prosecution case was to the effect that the applicants were apprehended on the spot at the time of committing the robbery.

4 Considering the peculiar facts and circumstances, and when it is not even clear as to how much sentence the applicants have already undergone, I do not think it fit to suspend the substantive sentences imposed upon the applicants. Instead, it would be proper, in my opinion, to expedite the hearing of the appeal itself.

5 The application for suspension of sentence and the applicants' release on bail is rejected.

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

6 Liberty to file private paper book.

7 Paper book dispensed with. Call for record and proceedings, without paper book, urgently.

8 Let the appeal be listed for **Final Hearing** on **22nd February 2016**.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment /Order.**