

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1434 OF 2015

IN

CRIMINAL APPEAL NO.1089 OF 2015

SANTOSH PRAKASH GURAV

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Santosh S. Jagtap, Advocate for the Applicant.

Smt.PP.Bhosale, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 7th APRIL 2016.

P.C. :

1 Heard Shri Shri Santosh S. Jagtap, the learned counsel for the applicant. Heard Smt.PP.Bhosale, the learned APP for the State. I have gone gone through the application and the annexures thereto. I have been taken through the relevant parts of the evidence.

2 The applicant has been identified as one of the culprits by the victim – the First Informant. Additionally, some property that was robbed in the commission of the offence, was said to have been recovered at the instance of the applicant. The applicant also made a confession before the Magistrate, which was duly recorded, as contemplated under Section 164 of the Code of Criminal Procedure, and tendered in evidence during the trial. These pieces of evidence against the applicant have been believed as true by the trial court.

3 Considering all the relevant aspects of the matter, this is not a fit case, in my opinion, where the substantive sentence imposed upon the applicant should be suspended during the pendency of the appeal. This is particularly so, because, the applicant was not on bail during the trial also.

4 The application is rejected.

5 Liberty to the applicant to apply for suspension of sentence afresh, in the event of the appeal not being taken up for final hearing, within a period of one year from today.

(ABHAY M. THIPSAY, J.)