

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO.702 OF 2015

IN

CRIMINAL APPEAL NO.385 OF 2015

(Mujjafar Ali s/o Ramzan Ali ...vs.. State of Maharashtra, through PSO, PS Nandanva, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 16-02-2016

Heard Shri R.K. Tiwari, learned Advocate for the appellant and Shri H.R. Dhumale, learned Additional Public Prosecutor for the respondent.

2. The appellant has challenged the judgment passed by the Sessions Court convicting him for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. The appeal is admitted.

3. This application is filed by the appellant seeking suspension of sentence and for an order for releasing him on bail.

4. The respondent has filed reply stating that the appellant is an accomplice of co-accused Shamsher Ali who is involved in several offences. The learned Additional Public Prosecutor has pointed out at the time of hearing that Crime No.453/2013 for the offences punishable under Section 326 read with Section 34 of

the Indian Penal Code, Sections 135 and 142 of the Maharashtra Police Act and Sections 4 and 25 of the Arms Act is registered against the appellant. It is further pointed out that Crime No.240/2014 for the offences punishable under Sections 302, 307, 143, 147, 148 and 149 has been registered against the appellant. The learned Additional Public Prosecutor has further pointed out that the State has filed Criminal Appeal No.435/2015 before this Court praying for enhancement of sentence imposed by the Sessions Court.

5. Considering these facts, I am not inclined to suspend the sentence and direct release of the appellant on bail. The application is rejected.

JUDGE