

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

CRIMINAL APPLICATION (APPA) NO.705 OF 2015

IN

CRIMINAL APPEAL NO.387 OF 2015

(Samsher Ali s/o Ramzan Ali ..vs.. State of Maharashtra, through PSO, PS Nandanvan, 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 A.C. Jaltare, 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 the appellant for the offence punishable under Section 307 read with section 34 of the Indian Penal Code. The appeal is admitted and is pending for final hearing.

3. By this application, the appellant is praying for suspension of sentence and for direction to release him on bail.

4. The learned Additional Public Prosecutor has submitted that the appellant is a habitual offender and 82 crimes have been registered against the appellant. This fact is stated on oath in paragraph 4 of the reply. It is further submitted on behalf of the respondent that

when the appellant was released on bail during the trial, he was involved in a crime. It is further stated that the State has filed Criminal Appeal No.435/2015 praying for enhancement of sentence.

5. Considering the above facts, I am of the view that the prayer made by the appellant for suspension of sentence cannot be granted. The application is rejected.

JUDGE

pma