

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL APPLICATION NO. 2892 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 136 OF 2017

Irfan Yusuf Shaikh ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. M.A.Jahagirdar, advocate for the applicant

Mr. A.D.Namde, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 23rd JUNE, 2017

O R D E R :

Heard learned counsel for the applicant.

The applicant has filed the Revision against the order of conviction and sentence passed by learned Judicial Magistrate, First Class, Ahmednagar, confirmed by the learned Additional Sessions Judge, Ahmednagar, praying for quashing and setting aside the order of conviction and for staying the substantive sentence.

Mr. Jahagirdar, learned counsel for the applicant submits that the learned Trial Court as well as First Appellate Court relied the evidence of alleged identification of the accused. According to the learned counsel for applicant, the applicant was called in the police station, at that time the complainant was called there and asked to identify the accused, where he has identified the accused.

According to learned counsel for the applicant, there is no proper evidence as to the identification of the accused. Further more, there is no recovery of stolen articles to the extent of present applicant.

Looking to the submissions made by the learned counsel for the applicant and after going through the reasons recorded by the learned Trial Court as well as First Appellate Court, the substantive sentence imposed upon the applicant is hereby suspended.

Applicant shall be released on bail on
furnishing P.R. bond of Rs. 10,000/- with one
solvent surety in the like amount.

Criminal Application stands disposed of.

(K.L.WADANE, J.)

dbm