

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 784 OF 2017
IN
CRIMINAL APPEAL NO. 482 OF 2017

Shivam Arjun Das ..Applicant
v/s.

The State of Maharashtra ..Respondent

Mr. Ravindra Gadgil for the Applicant.
Mr. Prashant Jadhav for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 9th AUGUST, 2017.**

P.C.

1. At the outset, the learned Counsel for the applicant seeks leave to amend the prayer clause of the application. Leave granted. Amendment to be carried out forthwith.

2. The applicant, who was an accused in Sessions Case No. 557 of 2008 has filed this application for suspension of execution of sentence in Sessions Case No. 557 of 2008.

3. The learned Counsel for the applicant has made a statement that the applicant will deposit the fine amount within a period of one week before the Sessions Court, Gr. Mumbai. The statement is accepted.

4. The applicant has been convicted for an offence punishable under Section 25(1-B)(c) of the Arms Act, 1959 and has been sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.1000/- in default to undergo simple imprisonment for 15 days.

5. The applicant was on bail during the trial. The sentence imposed is of two years. The appeal is of the year 2017, and is not likely to come up in the next couple of years due to pendency of old cases. Hence, in the event the execution of sentence is not suspended, the applicant will have to undergo sentence imposed, even before the appeal is decided on merits.

6. Considering the above facts, so also considering the nature of

the offence, the application is allowed in terms of prayer clause 1(A). The execution of sentence is suspended pending hearing of the appeal, on the applicant furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with one solvent surety in the like amount, to the satisfaction of the Addl. Sessions Judge Sessions Court, Mumbai.

(ANUJA PRABHUDESSAI, J.)