

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

CRIMINAL APPLICATION NO. 998 OF 2017
IN
CRIMINAL APPEAL NO. 585 OF 2017

Sajjad Iqbal Shaikh

.. Applicant

v/s.

State of Maharashtra

..Respondent

Mr. Ashish Baraskar for the Applicant.

Mr. Prashant Jadhav APP for the Respondent.

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

P.C.

1. By this application, the applicant herein, who was an accused in NDPS Case No. 95 of 2014 has sought suspension of execution of sentence imposed vide judgment dated 25th May, 2017.

2. Heard Mr. Paraskar, the learned Counsel for the applicant. Perused the records. The records reveal that the applicant herein has been held guilty for offences punishable under Section 8(c) r/w.

Section 20(b)(ii)B of the NDPS Act, 1985 and has been sentenced to undergo rigorous imprisonment for two years and to pay fine Rs.5000/- i/d. r.i. for 15 days. The learned Counsel for the applicant submits that the applicant was on bail during trial. He submits that the applicant has already deposited the fine amount before the NDPS Court.

3. Considering the fact that the applicant has been sentenced only for a period of two years and the appeal being of the year 2017 is not likely to come up for final hearing and a couple of years due to pendency of old cases, in my considered view, it is necessary to suspend the execution of sentence, as failure to suspend the sentence may result in the applicant undergoing the sentence without hearing his appeal on merits.

4. Hence, the application is allowed in terms of prayer clause (b). Execution of substantive sentence imposed vide judgment dated 25th May, 2017 in NDPS Case No.95 of 2014 is suspended till disposal 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 Special Judge, (NDPS) Court, Room No.43, Gr. Bombay.

5. The applicant shall furnish his permanent address as well as the local address, if any, and contact number to the Investigating Officer as well as in the bail bond.

(ANUJA PRABHUDESSAI, J.)