

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO. 1156 OF 2017**  
**IN**  
**CRIMINAL APPEAL NO.676 OF 2017.**

|                               |               |
|-------------------------------|---------------|
| Ranjit @ Jim Adyaprasad Dubey | ...Applicant  |
| Versus                        |               |
| The State of Maharashtra      | ...Respondent |

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Ms Gladys Pereira for the Appellant  
Mr. P.H.Gaikwad-Patil ,APP for the State.

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**CORAM: SMT.ANUJA PRABHUDESSAI, J.**  
**DATED: 24<sup>th</sup> AUGUST, 2017**

**PC:-**

1. By this Application the Applicant has sought suspension of execution of substantive sentence imposed by judgment dated 12.07.2017 in MCOC No.03 of 2011 passed by the learned Special Judge (MCOC), Thane .

2. Heard the learned Counsel for the Applicant and learned APP for the State. I have perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. The Applicant, who was original Accused No.4 was tried for the offences punishable under Section 387, 506(2) r/w Section 34 of the Indian Penal code, Under Section 3/25 of Indian Arms Act, under Section 3(1)(ii), 3(2),3(4), and 3(5) of the Maharashtra Control of Organised Crime Act, 1999. By the impugned judgment the Applicant was acquitted of the offence punishable under Section 387 and 506(2) r/w Section 34 of the Indian Penal Code as well as the offence under MCOC Act. The Applicant has been convicted for the offence under Section 3/25 of Arms Act and sentenced to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default to undergo Rigorous imprisonment for 3 months.

4. The Applicant has challenged the said sentence of conviction and by this Application he has sought suspension of execution of substantive sentence during the hearing and disposal of the Appeal on merits.

5. The records reveal that the Applicant has already paid fine of Rs. 1,000/-. The sentence imposed against the Applicant is a short term imprisonment of maximum three years. The Applicant was arrested on 18.09.2010 and till date he has undergone substantive part of sentence.

6. Furthermore, the Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for final hearing in the next couple of years. Hence, rejection of prayer to suspend the execution of sentence will result the Applicant undergoing the entire term of the imprisonment even before his Appeal is decided on merits.

7. Considering the above facts and circumstances, in my considered view, this is a fit case for suspension of execution of substance sentence pending the hearing and disposal of the Appeal. Hence the following order:-

- (i) The Application is allowed.
- (ii) Pending the final hearing disposal of the Appeal, the execution of sentence imposed by judgment 12.07.2017 in MCOC No.03 of 2011 is suspended;
- (iii) The Applicant shall be released on bail on furnishing bail bond of Rs.30,000/- (Rs.Thirty Thousand only) with one solvent surety to the like amount to the satisfaction of the learned Special Judge (MCOC), Thane ;
- (iv) The Applicant shall furnish his contact number permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court.

The Investigating officer shall verify whether the Applicant is residing at the local address furnished by him..

**(ANUJA PRABHUDESSAI, J. )**