

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1542 OF 2016

IN

CRIMINAL APPEAL NO.798 OF 2016

FARIDALI HASAMATALI SAYYED

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.R.S.Bidkar, Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 4th JANUARY 2017.

P.C. :

1 This is an application for suspension of sentence and releasing the applicant / accused on bail during pendency of appeal.

2 The applicant / accused is convicted of the offence punishable under Section 25 of the Arms Act and is sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of

Rs.2,000/-, in default, to undergo further simple imprisonment for 15 days, by the learned Additional Sessions Judge, Thane, in N.D.P.S. Case No.10 of 2012, decided on 25th October 2016.

3 The learned counsel appearing for the applicant / accused argued that considering short sentence imposed upon the applicant / accused, his liberty needs to be secured during pendency of the appeal. The learned APP opposed the application by contending that the applicant / accused is rightly convicted by the learned trial court.

4 Considering the quantum of sentence imposed upon the applicant / accused, it is not proper to reject the relief asked for by the applicant / accused. In this view of the matter, the application is allowed. Hence the order :

- i) The application is allowed.
- ii) Substantive sentence of imprisonment imposed upon the applicant / accused is suspended during pendency of the appeal and the applicant / accused is directed to

be released on bail on executing P.R.Bond in the sum of Rs.15,000/- and on furnishing sureties in like amount.

iii)As a condition of this order, the applicant / accused shall not indulge in commission of any offence in future.

(A. M. BADAR, J.)