

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION [APPA] NO.715 OF 2017
IN
CRIMINAL APPEAL NO.422 OF 2017

(Sk. Hamid s/o Sk. Ismail

vs.

The State of Maharashtra, through P.S.O. Gittikhadan, Nagpur)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.

DATE : 20th NOVEMBER, 2017.

Heard Shri Parag Bezalwar, learned Counsel for the applicant and Mrs. H.N. Prabhu, learned A.P.P. for the State.

By this application under Section 389 of the Code of Criminal Procedure, applicant-accused is seeking suspension of substantive sentence of imprisonment awarded by learned Special Judge, Nagpur vide judgment and order dated 25/07/2017 passed in Special Criminal Case No.21/2013, thereby convicting the accused of the offence punishable under Section 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act and sentencing him to suffer rigorous imprisonment for three months.

Learned Counsel for applicant submits that applicant was on bail during trial.

Considering the short term sentence, awarded by the trial Court and the quantity of

Ganja recovered from the applicant, this Court is inclined to allow the application. Hence, the following order :

ORDER

- I. The substantive sentence of imprisonment awarded by the trial Court is suspended during pendency of appeal on applicant's furnishing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.
- II. Criminal application is allowed and disposed of in the above terms.

Criminal Appeal No.422/2017 :

Heard.

Admit.

Call for record and proceedings.

Mrs. H.N. Prabhu, learned A.P.P. waives service of notice for the respondent-State.

JUDGE

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