

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPA) NO. 732 & 733 BOTH OF 2017
IN
CRIMINAL APPEAL NO. 436/2017
(Mohd. Sadiq s/o Sk. Mehaboob vs. State of Maharashtra)
(Sheikh Altaf s/o Sk. Munaf vs. State of Maharashtra)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. A.C.Jaltare, Advocate for the applicant/s
 Ms. Shamsi Haider, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.
DATED : 14th September, 2017.

By these Applications, the applicants/ (original accused Nos. 14 and 17) pray for suspension of jail sentence imposed upon them by the learned Additional Sessions Judge, Wardha dated 18.08.2017, in Sessions Case No. 131/13 and 270/2013 (common judgment) and for grant of bail.

The applicants were convicted for the offence punishable under Section 412 of the Indian Penal Code, and sentenced to suffer R.I. for three years and to pay a fine of Rs. 10,000/- each in default, to suffer SI for six months.

I have heard Shri A.C. Jaltare, the learned counsel for the applicants and Ms. Shamsi Haider, the learned A.P.P. for the respondent.

The applicants were on bail during the pendency of trial. Even after the judgment and order of conviction, the learned trial

Court has suspended the jail sentence and the applicants were released on bail. The applicants have also deposited the fine amount imposed by the trial court and have not misused the liberty granted to them.

Taking into consideration the nature of allegations against the applicants, also the fact that the applicants were on bail during the trial and the substantive jail sentence were already suspended and they were released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the Appeal finally by this Court in the near future, due to pendency of old matters, I am of the view that the applicants are entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application Nos.732 and 733 both of 2017 are allowed.
- 2) The substantive jail sentence imposed against the applicants by the learned Additional Sessions Judge, Wardha dated 18.08.2017, in Sessions Case No. 131/13 and 270/2013 shall remain suspended during the pendency of the present Appeal.
- 3) The applicants shall be released on bail by executing fresh bonds of the same amount, as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicants.
- 5) The applicants shall remain personally present before this Court at the time of final hearing of the Appeal.

Both Applications stands disposed of.

JUDGE

Sakare