

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

CRIMINAL APPLICATION [APPA] NO.742 OF 2017

IN

CRIMINAL APPEAL NO.430 OF 2017

[Rehaan Baig s/o Akram Baig .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 orders

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 03, 2017.

By this application, applicant-original accused no.8 prays for suspension of sentence of imprisonment imposed by the learned Additional Sessions Judge, Wardha vide judgment and order dated 17.8.2017 in Sessions Case Nos.131/2013 and 270/2013.

Applicant was convicted for the offence punishable under Section 412 IPC and sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.10,000/- in default to suffer simple imprisonment for 6 months.

Heard Shri R.M. Daga, learned counsel for applicant-accused and Shri N.H. Joshi, learned APP for respondent-State.

The learned counsel for applicant submitted that other accused, who were convicted for the same offence, were sentenced to imprisonment for 3 years and the trial court has not recorded any reason to differentiate the sentence between accused no.8 and other accused. It is submitted that huge amount of cash was recovered

from the other accused in comparison to applicant and still the trial court imposed imprisonment for three years on them and seven years on the applicant.

With the assistance of learned counsel for applicant and learned APP, perused clauses 7 and 8 of operative order passed by the trial court. No where reasons have been assigned in the judgment to differentiate the quantum of sentence between accused no.8 and other accused. Applicant was on bail during trial. It is significant to note that applicant was tried for the offence punishable under section 414 IPC and came to be convicted for the offence under section 412 IPC.

Taking into consideration the nature of accusations against applicant and fact that he was on bail during trial, this court is inclined to suspend the substantive sentence of imprisonment and release the applicant on bail on the following terms.

ORDER

(i) The substantive sentence of imprisonment against applicant-accused no.8 is suspended during pendency of appeal on appellant's furnishing PB & SB of Rs.15,000/- each to the satisfaction of the trial court.

(ii) Criminal Application No.742/2017 is allowed and disposed of.

JUDGE