

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

CRIMINAL APPLICATION [APPA] NO.798 OF 2017

IN

CRIMINAL APPEAL NO.473 OF 2017

[Mobin Ahmad Khan s/o Saifulla Khan .vs. State of Maharashtra, through Police Station,
Karanja (Ghadge), Tahsil-Karanja, District-Wardha]

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 12, 2017.

Heard Shri M.M. Agnihotri, learned counsel for applicant and Smt. Shamsi Haider, learned APP for respondent-State.

By this application, applicant is seeking suspension of substantive sentence of imprisonment imposed by the learned Additional Sessions Judge, Wardha, vide judgment and order dated 18.08.2017 passed in Sessions Case No.131 of 2013, convicting applicant of the offence punishable under section 412 of the Indian Penal Code and sentencing him to 3 years rigorous imprisonment.

The learned counsel for accused submits that accused was on bail during trial and even after conviction, substantive sentence was suspended by the trial court.

The learned APP does not dispute the same. Considering the short term sentence and as applicant was on bail during trial, this court is inclined to allow the application. Hence, the following order :

ORDER

(i) The execution of substantive sentence of imprisonment is suspended during pendency of appeal on applicant's furnishing PB & SB of Rs.15,000/- each to the satisfaction of the trial court.

(ii) Criminal Application No.798 of 2017 is allowed in the above terms.

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Heard.

Admit.

Call R & P.

Smt. Shamsi Haider, learned APP waives service of notice for respondent-State.

JUDGE