

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

CRIMINAL APPLICATION [APPA] NO.888 OF 2017

IN

CRIMINAL APPEAL NO.524 OF 2017

[Mohammad Yusuf Quazi .vs. The 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 : NOVEMBER 30, 2017.

Heard Shri P.K. Bezalwar, learned counsel for applicant-appellant and Smt. S.V. Kolhe, learned APP for respondent-State.

By this application under section 389 of the Code of Criminal Procedure, applicant is seeking suspension of substantive sentence of imprisonment awarded by the learned Additional Sessions Judge, Nagpur in Sessions Trial No.182/2015 thereby convicting the applicant of the offence punishable under section 324 of the Indian Penal Code. The maximum sentence awarded by the trial court is three years.

The learned counsel for applicant submits that accused was on bail during trial and after conviction sentence has been suspended by the trial court.

Applicant was charged with the offence punishable under section 307 of the Indian Penal Code. On trial, as prosecution could not prove the guilt of the accused under section 307 of the Indian Penal Code, he came to be acquitted of the major

charge and convicted under section 324 of the Indian Penal Code, as stated above.

Considering the short term sentence imposed by the trial court and as applicant was on bail during trial, this court is inclined to allow the application. Hence, the following order :

ORDER

i) Criminal Application No.888/2017 is allowed.

(ii) The execution of substantive sentence of imprisonment is suspended during pendency of appeal on applicant's furnishing personal bond in the sum of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the trial court.

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Heard.

Admit.

Call R & P.

Smt. S.V. Kolhe, learned APP waives service of notice for respondent-State.

JUDGE