

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL MISC. APPLICATION NO. 308 OF 2018**  
**IN**  
**CRIMINAL APPEAL NO. 74 OF 2018**

MUBARAK KHAN, PRESENTLY AT CENTRAL  
JAIL, COLVALE., ... Applicant

Versus

STATE, THR. POLICE INSPECTOR,  
VASCO POLICE STATION, VASCO AND  
ANR., ... Respondents

Adv. Pavithran A.V. for the Applicant.  
Mr. S. R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 15th October 2018

P.C.:

This is an application for suspension of sentence.

2. The applicant along with the co-accused was tried for the offence punishable under sections 307, 324 and 504 r/w section 34 of I.P.C..

3. The learned Sessions Judge by a judgment and order dated 15/9/2018 has found the applicant (Accused no.3) guilty under section 324 and 326 r/w section 34 of I.P.C.

4. For the offence punishable under section 324 r/w 34 I.P.C, the applicant has been sentenced to undergo simple imprisonment for a period of three months, while for the offence punishable under section 326 r/w 34 I.P.C, the applicant has been sentenced to undergo simple imprisonment for a period of six months and to pay a fine of Rs.10,000/- . Both the sentences have been directed to run concurrently.

5. The applicant was on bail during the course of the trial. The learned Sessions Judge has granted suspension of the sentence till 14/10/2018.

6. The learned counsel for the applicant submits that the applicant is in custody in connection with investigation of crime no.84/2018 of P.S. Colva.

7. On hearing the learned counsel for the applicant and the learned Public Prosecutor and further having regard to the fact that the applicant was on bail during the course of the trial and having regard to the fact that sentence of the co accused who are similarly situated has been already been suspended, the following order is passed:

**ORDER:**

(i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended, subject to the applicant furnishing

a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) along with one solvent surety in the like amount and on the condition of the payment of fine within one week from today.

(ii) On furnishing of the Bail Bonds and deposit of fine, the applicant shall be released, if not required in connection with any other offence.

(iii) The Bail Bonds to be furnished before the learned Sessions Judge.

C. V. BHADANG, J.

ap/-