

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.710 OF 2017

WITH

CRIMINAL APPLICATION NO.711 OF 2017

IN

CRIMINAL APPEAL NO. 430 OF 2017

Haji Makbul Razzak Shaikh ... **Applicant /Appellant**

V/s.

The State of Maharashtra & ors. ... **Respondents**

Mr.Taraq Sayed i/b. Mr.Sultan A. Khan & Mr.Shabbir Shora for the applicant / appellant.

Mr.Sandeep Maurya & Kavita Vishwakarma for respondent nos.2 and 3.
Smt. Anamika Malhotra, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 5th MARCH 2018.

P.C. :

1. These are applications for suspension of sentence and releasing the applicant Haji Makbul Razzak Shaikh on bail during the pendency of the appeal filed by him.

2. Heard learned Advocate appearing for the applicant/appellant / accused no.4 as well as the learned APP appearing for respondent no.1/State and the learned Advocate appearing for respondent nos.2 and 3.

3. Initially, the applicant/appellant/accused no.4 was acquitted by the learned trial Court. The said order of acquittal came to be challenged by the first informant by filing an appeal before the Sessions Judge. That is how the applicant/accused came to be convicted of offences punishable under Section 326 read with 34 of IPC and he has been sentenced to suffer Rigorous Imprisonment for three years apart of payment of fine of Rs.10000/- and default sentence of six months. Short sentence of Imprisonment is imposed and that too at the Appellate stage on the appellant/applicant. The appeal filed by him may not be heard within a short span of three years. The appellant/applicant/accused was initially acquitted of the alleged offences. He is on bail throughout and therefore the order:

::ORDER::

- (i) Both applications are allowed.
- (ii) Substantial sentence of imprisonment imposed on the applicant/accused is suspended and he is directed to be released on same bail but on his executing fresh P.R. Bond.
- (iii) As a condition of this order, the applicant should not indulge in commission of any offence in future.
- (v) The applications are disposed of.

(A.M.BADAR J.)