

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.372 OF 2018
IN
CRI. REVISION APPLICATION NO.391 OF 2018**

Ansari Mohamed Iqubal Ahmed & Anr. .. Applicants

Vs.

The State of Maharashtra .. Respondent

.....
Mr.Mahenddra N. Sandhyanshiv, Advocate for the Applicants.
Ms.P.N. Dabholkar, APP for the Respondent - State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JULY 30 2018.

P.C. :

The applicants are convicted for the offence punishable under Section 7(1)(a)(ii) of the Essential Commodities Act, by judgment and order dated 18th June, 2012 passed by Judicial Magistrate First Class, Malegaon, Nashik. Applicants were sentenced to simple imprisonment for two years and to pay fine of Rs.1000/-. The judgment and order of conviction was challenged by preferring an Appeal before the Sessions Court, which has been dismissed by order dated 12th July, 2018. On the date of dismissal of Appeal, the applicants are taken in custody and since then they are undergoing the sentence.

2 Learned counsel for the applicant submitted that the prosecution has conducted seizures at two places by single panchanama. Out of two panch witnesses, one panch witness was examined, who did not support the prosecution case. It is further submitted that the property which was seized was never produced in the Court and not identified. It is further submitted that the applicant was on bail during the pendency of trial and Appeal.

3 Learned APP submitted that there is concurrent finding of two Courts while convicting the applicants. The Courts below had taken into consideration the evidence on record and no ground is made out for grant of any reliefs.

4 The applicants are sentenced to suffer imprisonment of two years. It is noted that the independent witness has not supported the prosecution case. The applicants were on bail during the trial and they are in custody from 12th July, 2018. The revision application preferred by the applicant had been admitted and it may not come on hearing within short span of time in the circumstances the the case for suspension of sentence and grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) pending hearing and final disposal of criminal Revision Application No.391 of 2018, the awarded by the Court of learned JMFC Court No.1 Malegaon in RCC 530 of 2010 vide judgment and order dated 18th June, 2012 which was confirmed by the Sessions Court by judgment and order dated 12th July, 2018, passed in Criminal Appeal No.25 of 2012, and the applicants are directed to be released on bail on furnishing PR bond in the sum of Rs.15,000/-, each with one or more sureties in the like amount;
- (ii) Criminal Application Stands disposed of accordingly.

(PRAKASH D. NAIK, J.)