

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1134 OF 2017

IN

CRIMINAL APPEAL NO.78 OF 2017

MUNNAVVARALI MOHAMMED SHARAFAT)
ALI KHAN @ MUNNA @ NANGI TALVAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Kuldeep S. Patil, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th MARCH 2018

P.C. :

1 This is an application for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The applicant/accused has been convicted of offences punishable under Sections 394 of the Indian Penal Code and under Sections 3(1)(ii and 3(4) of the Maharashtra Control of Organized Crimes Act, 1999. On each count, he is sentenced to

suffer rigorous imprisonment for 7 years. For the offence punishable under Maharashtra Control of Organized Crimes Act, fine of Rs.5,00,000/- is imposed on each count apart from default sentence of 1½ years on each count. For the offence punishable under Section 394 of the Indian Penal Code, fine of Rs.5,000/- is imposed and default sentence is of 1 year.

2 I have heard the learned Advocate appearing for the applicant/accused. He rested his submission primarily on the ground that as the applicant/accused no.1 is behind bars from 1st March 2015 and as he has completed actual jail sentence of 3 years, he is entitled to be released on bail, as his appeal may not heard in the near future.

3 The learned APP opposed the application.

4 The incident in question took place when the victim reached Mumbai from Chennai. After reaching Mumbai, he was proceeding by a local train for going towards Panvel. In the

meanwhile, the applicant/accused along with co-accused, as alleged by the prosecution, has committed robbery and looted the valuables from the victim. After due trial, not only the offence of robbery, but offences under the Maharashtra Control of Organized Crimes Act are held to be proved. Considering the nature of crime and the evidence adduced by the prosecution in support thereof, I am not inclined to grant bail to the applicant/accused. Hence, the order :

ORDER

- i) The application is rejected.
- ii) However, hearing of the appeal is expedited.
- iii) It be included in the list of Final Hearing.
- iv) Liberty to move afresh, if the appeal is not heard within a period of 8 months from today.
- v) The application stands disposed of.

(A. M. BADAR, J.)