

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.383 OF 2018

Akbar Abdul Mulla and others	Applicants
versus	
The State of Maharashtra and another	Respondents

Mr.Milind Deshmukh for applicants.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1st August 2018

PC :

1. This is an application for suspension of sentence and grant of bail pending Criminal Revision Application No.401 of 2018. The applicants are convicted for the offences punishable under section 452 r/w Section 34 of Indian Penal Code and was sentenced to undergo imprisonment for one month. They were also convicted for the offence under section 323 of Indian Penal Code and sentenced to undergo imprisonment for one month. Both the sentences were directed to run concurrently. The appeal preferred by the applicants has been dismissed by the Sessions Court by judgment and order dated 23rd July 2018.

2. Learned counsel for applicants, on instructions, submits that the applicants have surrendered before the Trial Court today. It is submitted that the applicants were on bail during trial as well as during pendency of the appeal. The prosecution case is based on

interested witnesses. It is submitted that no weapons were used in the commission of offence. Considering the aforesaid circumstances, the case for suspension of sentence is made out. Hence, I pass following order :

ORDER

- (i) Pending hearing and final disposal of Criminal Revision Application No.401 of 2018, the sentence awarded by the Court of Judicial Magistrate, First Class, Court No.5 Karad by judgment and order dated 30th May 2009 passed in Regular Criminal Case No.134 of 2001, which was confirmed by the judgment and order dated 23rd July 2018 by the Court of Extra Joint Additional Sessions Judge, Karad in Criminal Appeal No.41 of 2009, is suspended 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) The applicants are permitted to furnish cash security in the sum of Rs.15,000/- each for a period of six weeks in lieu of surety;
- (iii) Criminal Application No.383 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)

MST