

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

**CRIMINAL APPLICATION NO.79 OF 2019
IN
CRIMINAL REVISION APPLICATION st. NO.74 OF 2019**

Shri badshah Iradut Shaikh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Sandeep Mishra for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 6, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused has challenged the order dated 31.8.2016 passed by the learned Additional Chief Metropolitan Magistrate, Esplanade, Mumbai in CC No.0800437/PW/2010 whereby the applicant is convicted for the offence under Rule 3 punishable under Rule 6 of the Passport (Entry into India) Rules 1950 and section 3 of the Foreigners Order 1948 punishable under section 14(c) of the Foreigners Act, 1946 vide section 248(2) of the

Code of Criminal Procedure. Further, the applicant is sentenced to suffer one month R.I. and payment of fine of Rs.500. Also, the applicant is sentenced under Foreigners orders 1946 and Foreigners Act to suffer six months and payment of fine of Rs.500/- and I/d to undergo S.I. for 10 days. The said order was challenged in Criminal Appeal No.895 of 2016 which was dismissed by the learned additional Sessions Judge, Greater Bombay, vide order dated 15.5.2018. Hence, this revision application.

3. The learned Counsel for the applicant/accused submits that the applicant/accused was on bail throughout the trial and also during the appeal period. The present revision application will take considerable time to be finally head. He further submitted that the applicant/accused undertake that he shall be available at the time of hearing of this Revision application. Hence, he prays that the applicant/accused be bailed out and the impugned conviction and sentence be suspended, pending revision.

4. Learned Prosecutor submits to the orders of the Court.

5. In view of the facts and circumstances and submissions of the learned Counsel, the following order is passed:

i) The application for bail and suspension of sentence is allowed. The impugned orders dated 31.8.2016 and 15.5.2018 are suspended, pending revision application.

ii) The applicant/accused be released on bail upon furnishing P.R. bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;

iv) The applicant/accused shall make himself available at the hearing the revision application.

6. Criminal application No.79 of 2019 is disposed of accordingly.

(MRIDULA BHATKAR, J.)