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

CRIMINAL REVISION APPLICATION No. 131 OF 2019

WITH

CRIMINAL APPLICATION No. 124 OF 2019

IN

CRIMINAL REVISION APPLICATION No. 131 OF 2019

Abbas Abdulla Kunni And Anr.

...Applicants

Vs.

State of Maharashtra

...Respondent

Mr. Omkar Gopal Nagwekar for Applicants

Ms. Pallavi Dabholkar -APP

CORAM : SMT.SADHANA S. JADHAV, J.

DATE : MARCH 6, 2019

P.C.:

(In Criminal Revision Application No. 131 of 2019)

1. Heard. Admit.

(In Criminal Application No. 124 of 2019)

1. The Applicants herein are challenging the judgment and order passed by the Learned Metropolitan Magistrate, 46th Court at Mazgaon, Mumbai in CC No. 4600192/PW/2011, which was confirmed by the Appellate Court (the Sessions Court) in Criminal Appeal No. 478 of 2017 vide judgment and order dated 26th of February, 2019 thereby upholding the conviction of the Applicants for the offence punishable under Section 353 r/w. 34 of the Indian Penal Code.

2. The learned counsel for the Applicants submits that upon dismissal of the appeal, the Appellate Court has taken the Applicants into custody and hence they are in custody since 26th February, 2019. The sentence imposed upon the Applicants is a short term sentence i.e. they are sentenced to suffer R.I. for three months and fine of Rs.3,000/- each.
3. The learned counsel for the Applicants submits that the Appellants were on bail during the pendency of the trial as well as during the pendency of the appeal and have not committed breach of any conditions imposed upon them.
4. In view of this, upon admission of the revision application, the Applicants herein are entitled to the extension of the same relief during the pendency of the revision application.
5. Hence, the following order.

Order

- (i) The Criminal Application is allowed.
- (ii) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each and one or more solvent sureties in the like amount.
- (iii) The Applicants shall report to the Court of Metropolitan Magistrate, 46th Court at Mazgaon, Mumbai once in six months on the date assigned by the Learned Metropolitan Magistrate.
- (iv) Upon failure to attend any two consecutive dates, the Learned Metropolitan Magistrate shall make report to the

High Court and the prosecution would be at liberty to seek cancellation of bail.

(v) The application stands disposed of.

Parties to act on an authenticated copy of the order.

[SMT.SADHANA S. JADHAV, J.]

V.A. Tikam