

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

**CRIMINAL BAIL APPLICATION NO. 371 of 2019
IN
CRIMINAL APPEAL NO. 260 OF 2019**

Asif Abdul Sattar Khan ... Applicant

v/s.

The State of Maharashtra ... Respondent

Mrs.Nasreen Ayubi for the applicant.

Mr. A.S. Patil, APP for the State.

Mr. Asif Khan-applicant (Prisoner) present in Court.

CORAM : DAMA SESHADRI NAIDU, J.

10th July 2019.

P.C.

The applicant is the 5th accused in an offence punishable under Section 120-B read with Section 302, 511 and Sections 115, 465, 468, 471 of Indian Penal Code, under Section 25 read with Section 3 of Arms Act and also under Section 3(2) r/w 3(i)(ii) and 3(4) of Maharashtra Control of Organized Crime Act, 1999. After full fledged trial, the Court of Special Judge under MCOCA Act, through its judgment dated 25th April 2018, convicted the accused. Confining to the applicant before the Court, the conviction reads as follows:-

“I) Accused no.1 to 10 are hereby convicted for the offence punishable 120-B r/w 302 r/w 511 and section 115 of Indian Penal Code vide Section 235(2) of the Code of Criminal Procedure, 1973.

4) Accused nos. 1 to 10 are hereby order to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/- each, and in default to suffer simple imprisonment for a period of three months for the offence punishable under section 120-B r/w.302 r/w 511 of Indian Penal Code.

5) Accused nos. 1 to 10 are hereby order to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/- each, and in default to suffer simple imprisonment for a period of six months for the offence punishable under section 115 of Indian Penal Code.”

2. Aggrieved the appellant has filed the statutory appeal assailing the judgment dated 25th April 2018. The record reveals that appellant was arrested on 15th November 2014 and has been in judicial custody thereafter. To this date, out of five years sentence imposed on him he has completed four years and eight months. If remission is taken into account, as the accused in person represents, the sentence has come to an end by now, that is by 7th July 2019. So I reckon that this particular

criminal application does not need any specific order, either of suspending the sentence or enlarging the applicant on bail. I, therefore, close this criminal application.

3. The learned APP as well as the amicus curiae who has been appointed to defend the appellant informs that the applicant has been in judicial custody in connection with CR No.105/2014 i.e. MCOCA Special Case No.1/2015. Leaving it open for the appellant to seek appropriate remedies in connection with that crime, I close the Criminal Bail Application No.371/2019.

(DAMA SESHADRI NAIDU, J)

L.S. Panjwani, P.S.