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

**CRIMINAL APPLICATION NO. 344 OF 2019
IN
REVISION APPLICATION NO. 336 OF 2019**

Nisar Ali Shaukat Ali Shaikh

..Applicant

Vs

The State of Maharashtra .

..Respondents

Ms. R. Memon I/b Amin Solkar for the Applicant.

Ms. J.S. Lohokare, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 10th July 2019.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] The applicant is convicted under Section 285, 286 read with 34 of the Indian Penal Code, section 3 read with 14, 14(3) of Child Labour (Prohibition and Regulation) Act, 1986 and under section 23, 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and was sentenced to suffer maximum simple imprisonment for one year and to pay total fine of Rs.76,000/-, by the learned Assistant Sessions Judge, Greater Mumbai in Sessions Case No.153 of 2011 by its Judgment and Order dated 1st October 2011.

Criminal Appeal bearing No.574 of 2012 preferred by the applicant has been partly allowed by the learned Additional Sessions Judge, Greater Mumbai by its Order dated 4.7.2019. By the said Order, the applicant has been acquitted from offence punishable under section 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and confirmed the conviction awarded by the Trial Court for rest of the offences.

3] The learned counsel for the applicant submitted that, the applicant will deposit the fine amount, if not paid earlier, in the Registry of the Trial Court before his actual release from jail. The statement is accepted. The learned counsel for the applicant on instructions submitted that, as of today the applicant has undergone about one and half month of imprisonment out of total sentence of one year.

4] As the total sentence imposed upon the applicant is one year of simple imprisonment and since the applicant has already undergone one and half months of imprisonment, I am inclined to suspend the sentence imposed upon the applicant and release him on bail.

Hence the following Order:

(i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local

sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court i.e. learned Assistant Sessions Judge, Greater Mumbai.

(iv) After his release from jail, the applicant shall attend the Court of learned Assistant Sessions Judge, Greater Mumbai on every 1st Monday of the third month between 11.00 a.m to 2.00 p.m. and mark his presence. If the 1st Monday of the said month falls on a holiday and/or non Court working day, the applicant shall mark his presence immediately on the next working day.

(v) Applicant to deposit entire fine amount before his actual release from jail. It is made clear that, payment of entire fine amount is condition precedent for suspending sentence and releasing the applicant on bail.

5] Application is allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)