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

**CRIMINAL APPLICATION NO. 406 OF 2019
IN
REVISION APPLICATION NO. 391 OF 2019**

Abdulla Abdul Rehman Shaikh

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. K.M.Sangani for the Applicant.

Mr. R.M. Pethe, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 21st August 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 304-A and 279 of the Indian Penal Code and under section 181 read with 3 of Motor Vehicles Act and was sentenced to suffer rigorous imprisonment for 2 years and to pay fine of Rs.300/-, in default of payment of fine, to further undergo two days simple imprisonment by the learned Judicial Magistrate First Class, Court No.5, Bhiwandi in R.C.C. No.1151 of 2011 by its Judgment and Order dated 22.1.2014.

3] Criminal Appeal bearing No. 69 of 2014 preferred by the applicant has been partly allowed by the learned Additional Sessions Judge, Thane, by its Judgment and Order dated 24th July 2019. By the said Order, the learned Additional Sessions Judge has confirmed the conviction of the applicant, however, has reduced maximum sentence of rigorous imprisonment to six months.

4] Learned counsel for the applicant submitted that, the applicant has already paid the fine amount. He further submitted that, the applicant is in jail since about 20 days.

5] As the maximum sentence imposed upon the applicant is six months of rigorous imprisonment and the possibility of present Revision being heard on its own merits in near future is remote, I am inclined to suspend the substantive 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.15,000/- with one or

two local sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court i.e. Judicial Magistrate First Class, Court No.5, Bhiwandi.

(iv) After his release from jail, the applicant shall attend the Trial Court 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.

6] Application is allowed in the aforesaid terms.

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

(A.S.GADKARI, J.)