

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO.800 OF 2018

IN

CRIMINAL APPEAL NO.165 OF 2017

(Shabbo @ Shalini Azhar Khan ..vs.. State of Maharashtra, through PSO Gadchiroli)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mir Nagman Ali, Counsel for the appellant,
Shri Amit Chutake, Addl.P.P. for the respondent.

CORAM : ROHIT B. DEO, J.

DATED : 19-06-2019

The applicant-appellant is convicted for offence punishable under Section 366-A of the Indian Penal Code read with Section 4 of the Immoral Traffic Prevention Act and is sentenced to suffer rigorous imprisonment for five years.

2. The submission is that the applicant-appellant is in custody from 10-8-2013 to 15-4-2014 and from 31-3-2017 till date.

3. There are five connected appeals arising from the same crime. In Criminal Appeal 223/2017, the accused is on bail and the learned Counsel Shri Mir Nagman Ali states that he would not be appearing for the said accused. Legal Aid would have to be provided to the accused in Criminal Appeal 223/2017. The hearing of the appeals may, therefore, be delayed.

4. I have scrutinized the judgment to ascertain the role attributed to the applicant Shabbo in the crime. Having done so, I am satisfied that the substantive sentence needs to be stayed, particularly in view of the duration of the incarceration undergone till date.

5. The substantive sentence is suspended.

6. The applicant-accused shall be released on bail on terms and conditions as in the trial Court.

7. It is made clear, that the sentence is being suspended not only considering the duration of the sentence already undergone, but also considering the role held proved. No benefit of this order, would, therefore, be extended to the other accused in the crime.

8. The application is disposed of.

Criminal Appeal No.223/2017

The learned Counsel Shri Mir Nagman Ali states that he would not be representing the accused-appellant and that he may be discharged.

2. The learned Counsel is discharged.

3. The registry to ensure that legal aid is provided to the appellant-Dharmendra Ganpat Shedmake.

Criminal Appeal No.222/2017

It is stated at the bar that Ms. Sonali Khobragade, learned Counsel is appearing on behalf of the appellant. Shri A.C. Jaltare, the Counsel who was on record is, therefore, discharged.

List Criminal Appeals 165/2017, 172/2017, 222/2017, 223/2017 & 238/2017 for final hearing in September, 2019.

JUDGE

adgokar