

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

CRIMINAL APPLICATION (APPR) NO.273/2019 & 274/2019

IN

CRIMINAL REVISION NO. 207/2019
(Shakir Gafur Sheikh vs. State of Maharashtra)

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

Court's or Judge's order

.....
Mr. Abdul Subhan Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State
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CORAM : MRS.SWAPNA JOSHI, J.

DATED :25th September, 2019

By this Application, the applicant prays for suspension of jail sentence imposed upon him and grant of bail.

The applicant has challenged the judgment and order dated 5.8.2019 passed in Criminal Appeal No. 42/2018 by learned Sessions Judge, Gadchiroli, whereby conviction and sentence in Regular Criminal Case No.23/2018 by the learned JMFC, has been maintained, for offence punishable u/ss. 457, 380 and 411 of IPC.

I have heard Shri Abdul Subhan, learned counsel for the applicant and Mr. Amit Chutke, learned A.P.P. for the respondent.

Learned counsel for the applicant submits that the allegations against the accused nos.1 to 3 were that they

have committed theft of batteries and sold the same to accused no. 4. He submitted that the stolen property was already recovered by the police.

The learned APP does not dispute the said position.

The applicant was on bail all throughout and that he has not misused the liberty granted to him. Moreover he has deposited the fine amount in the trial Court.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant was on bail all throughout and the substantive jail sentence was already suspended and he was released on bail by the learned trial Judge, I am of the view that the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 273/2019 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Sessions Judge, Gadchiroli in Cri. Appeal No.42/2018 dated 5.8.2019 shall remain suspended during the pendency of the present Revision.
- 3) The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.

The Application stands disposed of.

CRIMINAL APPLICATION NO:274/2019

For the reasons mentioned in the Application, the Application is allowed by dispensing with filing of certified copy of judgment dated 15.9.2018 passed by JMFC Gadchiroli.

CRIMINAL REVISION NO. 207/2019

Heard.

Call R & P

Put up after four weeks for final disposal.

JUDGE

Sahare