

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1185 OF 2021 IN
CRIMINAL APPEAL NO.285 OF 2021**

Majid Khan Bismilla Khan

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. B.R. Pande, Advocate for applicant
Mr. S.N. Morampalle, A.P.P. for respondent
.....

CORAM : R. G. AVACHAT, J.

Date of reserving order : 24th June, 2021

Date of pronouncing order : 3rd July, 2021

ORDER :

Heard Mr. Pande, learned counsel for the applicant.

2. This is an application for suspension of substantive sentence of imprisonment. The applicant has been convicted for the offence punishable under Sections 489-A, 489-C and 489-D of the Indian Penal Code. The substantive sentences imposed have been directed to run concurrently. The applicant is thus imposed with a maximum sentence of

imprisonment of eight years.

3. Learned counsel for the applicant would submit that, there are glaring inconsistencies in the evidence of the prosecution. The applicant has been behind the bars for little over four years. He, therefore, urged for grant of the application.

The learned A.P.P. would, on the other hand, support the conviction.

4. Perused the impugned judgment and the evidence relied on. On 19/5/2017, the raid was effected at a premises in Baijipura, Aurangabad. The applicant alone was found in the room. Counterfeit currency notes of denomination of Rs.2000, Rs.500 and Rs.100, totally worth little over Rs.6 Lakhs came to be seized from the room in possession of the applicant. Scanner, printer, laptop and other articles used for counterfeiting currency notes came to be seized. The applicant gave demonstration as to how could he counterfeit currency notes. Although the raiding party members were the police personnel, services of two public servants had been availed to act as panch witnesses and in their presence the entire exercise was done. Considering the nature of offence and evidence as well, I am not inclined to grant the

application.

5. It is a case of not more than 5 witnesses. The appeal can be heard without paper book. If the appeal could not be heard within a period of eight months, the applicant is at liberty to again move an application for suspension of sentence.

6. In the result, the application fails. The same is rejected.

**(R. G. AVACHAT)
JUDGE**

fmp/-