

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

**INTERIM APPLICATION NO. 2294 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 173 OF 2021**

Mohammed Ali Mumtaz Patwari
and anr.

....Applicants

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Akram Kapoor, Advocate for the applicants.

Smt. Sharmila Kaushik, APP for State.

Coram : Sandeep K. Shinde, J.

Thursday, 23rd September, 2021.

P.C. :

1. Heard.
2. Applicants-accused, were acquitted in Criminal Case No.40/2009 by judgment and order dated 10th September, 2012 passed by the Judicial Magistrate First Class, Shreevardhan. Feeling aggrieved by order of acquittal, the State had preferred Criminal Appeal No.33/2015. This Appeal was allowed by the Sessions Court, Mangaon, District-Raigad by which applicants no.1

and 2 were convicted of the offences punishable under Section 3(2)(a)&(c), Section 14 of the Foreigners Act, 1946 and sentenced to two years imprisonment, and fine of Rs.5,000/-; AND further convicted under Sections 465, 471, 466 of the Indian Penal Code and sentenced to suffer imprisonment of three years and fine Rs.5,000/-.

3. Feeling aggrieved, order of conviction, is assailed before this Court.

4. Prima-facie, I am of the view that there are fair chances of appeal being finally allowed and thus pending application, the substantive sentence is suspended and the applicants are directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount. Bonds to be furnished in the trial Court.

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(Sandeep K. Shinde, J.)