

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

**CRIMINAL APPLICATION NO. 1394 OF 2022
IN
CRIMINAL APPEAL NO. 306 OF 2022**

Fajil Ahemadkhan Pathan

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.R. Bagal, Advocates for applicant
Mr. R.B. Bagul, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATED : 22nd APRIL, 2022**

PER COURT :

1. Heard.
2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the respondent – State.
3. The applicant has been convicted for the offence punishable under Section 304 Part II read with Section 34 of the Indian Penal Code and sentence to suffer rigorous imprisonment for ten years and to pay fine of Rs.25,000/-, in default, to suffer further rigorous imprisonment for six months. The applicant has also been convicted for the offence punishable

under Section 323 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one month

4. Co-convict has been granted similar relief. Considering the quantum of sentence and the fact that the appeal is not likely to come up for final hearing in near future, the execution of substantive sentence of imprisonment to stand suspended, pending the appeal. The applicant be released on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

5. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD