

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

**CRIMINAL APPLICATION NO. 1446 OF 2022
IN
CRIMINAL APPEAL NO. 316 OF 2022**

1. Mohammed Yusuf Mohammed Abbas Shaikh
2. Imran @ Azhar Ali Shaikh ..APPLICANTS

VERSUS

State of Maharashtra ..RESPONDENT

....
Mr. S.S. Rathi, Advocates for applicants
Mr. G.O. Wattamwar, 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. Both the applicants have been convicted for the offences punishable under Sections 307 and 364 of the Indian Penal Code and sentence to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/- each, in default, to suffer further rigorous imprisonment for two

months. Applicant No.1 has further been convicted for the offence punishable under Section 364 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default, to suffer further rigorous imprisonment for two months.

4. 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 applicants be released on their executing P.R. bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

5. Criminal application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD