

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

**CRIMINAL APPLICATION NO.2928 OF 2022
IN APEAL/197/2021**

**Raisoddin Alias Guddu s/o. Mohammad Amiroddin
Versus
The State of Maharashtra**

Mr.G.A.Kulkarni, Advocate h/f. Mr.D.R.Deshmukh, Advocate for
applicant
Mr.S.P.Deshmukh, APP for respondent

**CORAM : R.G.AVACHAT AND
R.M.JOSHI, JJ.**

DATE : NOVEMBER 29, 2022

ORDER :-

This application is for suspension of substantive sentence.

2. Learned counsel for the applicant/appellant submitted that the co-accused are already released on bail by this court by suspending their substantive sentences.

3. Learned APP opposed the application pointing out that there is *prima facie* evidence in the form of three witnesses against the present applicant.

4. Consideration of the material on record shows that there are three eye witnesses, who have specifically deposed against present applicant and hence, he cannot seek parity with the co-accused, who are released on bail. In view thereof, this Court is not inclined to

suspend the substantive sentence of the present applicant. The application is rejected.

5. However, considering the fact that the applicant is behind the bars since 2015, the appeal can be fixed for final hearing. By consent of the parties, the appeal is fixed for final hearing on 19.12.2022.

[R. M. JOSHI, J.]

[R.G. AVACHAT, J.]

KBP