

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

**INTERIM APPLICATION NO. 952 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 127 OF 2022**

Shabbir Abdul Sattar Maniar & ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. A. S. Khandeparkar, a/w Rajdeep Gude and Rohit
Mahadik, i/b Khandeparkar & Asso., for the Applicants.
Mr. S. R. Agarkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2022

PC:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This application is preferred for suspension of sentence and to enlarge the applicants on bail during the pendency of the revision application.
3. The applicants were prosecuted for the offences punishable under Sections 143, 147, 332, 353 read with 149 of the India Penal Code, 1860 ("IPC") and under Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984 ("the Act, 1984"), in Regular Criminal Case No.53 of 2013. By a judgment and order dated 26th August, 2015 passed by the learned

Judicial Magistrate, First Class, Sindhudurg, the applicants were acquitted of the offence punishable under Section 332 of the IPC. However, the applicants came to be convicted for the offences punishable under Sections 143, 147 353 and 149 of the IPC and Section 3(2)(e) of the Act, 1984 and sentenced to suffer rigorous imprisonment for two months for the offence punishable under Section 143, three months for the offence punishable under Section 147, six months for the offence punishable under Section 353 of IPC and also pay a fine of Rs.1,000/- each. For the offence punishable under Section 3(2) (e) of the Act, 1984, the applicants were sentenced to suffer rigorous imprisonment for six months and pay a fine of Rs.3,000/- each. The applicants preferred appeal, being Appeal No.74 of 2015. By a judgment and order dated 22nd February, 2022, the learned Sessions Judge was persuaded to dismiss the appeal and affirm the order passed by the learned Magistrate.

4. Being aggrieved, the applicants are in revision.

5. Mr. Khandeparkar, the learned Counsel for the applicant submits that the applicants have surrendered to their bail. The learned Counsel further submits that during the pendency of the trial and appeal the applicants were on bail. The applicants have roots in the society.

6. The sentence imposed upon the applicants is short one. It is very unlikely that the revision application can be heard and finally disposed before the substantive sentence gets over.

7. Arguable questions are also raised in the revision application. It would, therefore, be expedient in the interest of justice to suspend the sentence till the hearing and final disposal of this revision application.

8. Hence, the following order:

: O R D E R :

(i) The application stands allowed.

(ii) The substantive sentence imposed by the learned Magistrate in RCC No.53 of 2013 and confirmed by the learned Sessions Judge in Criminal Appeal No.74 of 2015, stands suspended till the hearing and disposal of this revision application.

(iii) The applicants be released on bail on furnishing a P. R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount to the satisfaction of the learned Magistrate.

(iv) The applicants shall regularly attend the proceedings before this Court.

All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]