

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.902 OF 2022
IN
CRIMINAL APPEAL NO.538 OF 2018

Prashant Eknath Ghorpade and another	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Abhaykumar Apte, Advocate for applicant.
Mr.Arfan Sait, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 30th March 2022

PC :

1. Leave to amend to delete name of applicant no.2 from this application.
2. Applicant has preferred this application for suspension of sentence and grant of bail. The applicant has been convicted for the offence under Section 376 of Indian Penal Code and sentenced to imprisonment of seven years.
3. Learned advocate for applicant submitted that applicant is in custody for a period of 3 years and 11 months. Substantial part of sentence has been undergone by him. Hence sentence may be suspended.
4. Sentence of imprisonment imposed on the co-accused (mother of applicant) has been suspended by this Court. The previous

application for suspension of sentence preferred by applicant was rejected vide order dated 23rd July 2018 on merits.

5. Learned counsel for applicant submitted that in the event this appeal is listed for hearing, he would not press this application for suspension of sentence.

6. Considering the fact that applicant is in custody for 3 years and 11 months and while rejecting the application for suspension and sentence hearing of appeal was expedited, the appeal can be listed for hearing.

7. Hence, the following order :

ORDER

(i) Interim Application No.902 of 2022 is allowed to be withdrawn and disposed of;

(ii) Criminal Appeal No.538 of 2018 be listed on final hearing board in the week commencing from 11th April 2022.

(PRAKASH D. NAIK, J.)

MST