

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

**INTERIM APPLICATION NO.1036 OF 2022
IN
CRIMINAL APPEAL NO.145 OF 2021**

Arbaz Moijjuddin Shaikh

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

...

Ms Jyoti R. Sahu for the Applicant.

Smt. J.S. Lohakare, APP for Respondnet No.1-State.

Ms Devyani Kulkarni, appointed Advocate for Respondent Nos.2 to 4.

Mr. Atmaram Kadam, ASI, Wadala T.T. Police station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JUNE, 2022.

P. C. :-

1. The Applicant, who has been convicted in POCSO Special Case No.482 of 2015 for offences punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012, has filed this second application for suspension of sentence and bail.

2. The previous application being Interim Application No.516 of 2021 was dismissed on merits vide order dated 2nd September, 2021. Learned counsel for the Applicant has not been able to demonstrate any change in the fact situation, except for contending that the appeal

is not yet listed for final hearing. She submits that the appeal should be heard expeditiously.

3. The fact that the appeal, which is of the year 2021 has not yet listed for final hearing, is not a ground to entertain subsequent applications. The request to list the appeal on final hearing board also cannot be entertained as it is for the Applicant to file a precipe before the appropriate Bench.

4. Under the circumstances, the application is devoid of merits and is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)