

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1413 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.183 OF 2022

Iqbal Kadir Hajwane

...Applicant

vs.

The State of Maharashtra

...Respondent

VISHAL
SUBHASH
PAREKAR

Mr. Sujay Gangal, for the Applicant.

Ms. Anamika Malhotra, APP for the State.

Digitally signed
by VISHAL
SUBHASH
PAREKAR

Date: 2022.05.06
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CORAM : N. J. JAMADAR, J.

DATE : MAY 06, 2022

P.C.:

Interim Application No. 1413 of 2022:-

1. The applicant has preferred this application for suspension of sentence imposed by learned Additional Sessions Judge, Mangaon, Dist. Raigad in Criminal Appeal No. 28 of 2017 dated 26th April, 2022 whereby the learned Additional Sessions Judge affirmed the order of conviction passed by the learned JMFC, Shrivardhan in Summary Case No. 229 of 2012 for the offence punishable under section 354 of the Indian penal Code, 1860 and modified the order of sentence so as to reduce the sentence to three months simple imprisonment from eight months rigorous imprisonment awarded by the learned Magistrate.

2. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well as

appeal.

3. The applicant has roots in society. The applicant, according to the learned counsel, has good chance of success in the revision application.

4. Evidently, the applicant was on bail during the pendency of the trial and appeal. The learned Additional Sessions Judge has reduced the substantive sentence, which can only be said to be a short sentence. It is very unlikely that the revision application can be heard and finally decided before the expiry of the sentence imposed by the learned Additional Sessions Judge. Even otherwise, it seems that arguable questions are raised in the revision.

5. Hence, the substantive sentence imposed by the learned Additional Sessions Judge in Criminal Appeal No. 28 of 2017 stands suspended.

6. The applicant/accused be released on bail on furnishing a P.R. Bond of Rs. 15,000/- and a surety in the like amount to the satisfaction of the learned JMFC, Shrivardhan.

7. The applicant shall regularly attend the proceeding before this Court.

8. Interim Application stands disposed.

Revision Application No. 183 of 2022 :-

9. Heard the learned counsel for the applicant.
10. Issue notice to the respondent.
11. Learned APP waives notice for respondent.
12. The applicant shall file a compilation of documents containing the deposition of witnesses and other documents on the file of the learned Magistrate.
13. Revision Application be listed on 25th July, 2022.

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

(N. J. JAMADAR, J.)