

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 690/2022
IN CRIMINAL APPEAL NO. 540 OF 2022

Wasim Jafarkhan Sahebkhani @ Jani Shaidda Qawwal .Vs. State of Maharashtra, thr.
PSO Achalpur Tq. Achalpur Dist. Amravati.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.W. Mirza, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 09/12/2022.

1. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail.

2. The applicant is convicted for the offence punishable under Sections 363 of the Indian Penal Code, 1860 and is sentenced to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.5,000/- (one thousand) and in default to suffer simple imprisonment for 3 months.

The applicant further convicted for the offence punishable under Section 376 of the Indian Penal Code, 1860 and is sentenced to suffer rigorous imprisonment for 7 years and to pay a fine of Rs.10,000/- and in default to suffer simple imprisonment for 6 months.

The applicant further convicted for the offence punishable under Section 506(ii) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.5,000/- and in default to suffer further simple imprisonment for 3 months.

7. I have perused the findings recorded by the learned Additional Sessions Judge Court No.2, Achalpur in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more ground is that the applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge Court No. 2, Achalpur in Sessions Case No. 110/2012 vide judgment and order dated 25/07/2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

JUDGE