

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

CRIMINAL APPEAL NO. 622/2022

Abdul Shafik Sheikh S/o Abdul Hafij Sheikh
Vs.

State of Maharashtra through P.S.O. Lakadganj, P.S. Lakadganj, Tah. & Distt. Nagpur

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

Court's or Judge's orders

Shri N.S. Trivedi, Advocate h/f Shri S.G. Malode, Advocate for appellant
Shri A.M. Kadukar, A.P.P. for respondent -State

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 20/09/2022

Heard.

2. **Admit.**

3. Learned Additional Public Prosecutor waives
service of notice.

CRIMINAL APPLICATION (APPA) NO. 803/2022

The present application is filed for suspension of sentence and release of applicant on bail. Today, the appeal is admitted for consideration on merits. The Adhoc District Judge - 2 and Additional Sessions Judge passed judgment and order in Sessions Case No. 412/2019 dated 20/07/2022 and the appellant is convicted for offence punishable under Sections 279, 337, 188, 332 and 427 of the Indian Penal Code and Section 177 read with Section 134 of the Motor Vehicles Act, 1988. The maximum

punishment awarded is simple imprisonment for one year and all the substantive sentences of imprisonment, as ordered by the Court, shall run concurrently.

2. The statement is made by the learned Counsel for the appellant that the total fine amount is deposited in Trial Court on 20/07/2022. The appellant was on bail during the trial before the Lower Court. He has not misused the liberty granted to him in any manner. Considering the pendency, it would be difficult to dispose of the appeal within near future. Maximum amount of substantive sentence is one year. Hence, it will be appropriate to suspend the execution of substantive sentence during the pendency of appeal.

3. Accordingly the application is allowed.

4. Execution of substantive sentence passed in Sessions Case No.412/2019 by the learned Additional Sessions Judge, Nagpur dated 20/07/2022 is hereby suspended during the pendency of the appeal.

5. The applicant be released on bail on same terms and conditions on which he has been released before the Trial Court.

6. The application is disposed of.