

BIN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.149 OF 2023
IN
CRIMINAL APPEAL NO. 26 of 2023

Feroz Faruqsab Shaikh Applicant

Versus

The State of Maharashtra Respondent

.....
Mr. G.R. Syed, Advocate for the Applicant
Ms. R.P. Gour, APP for Respondent – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for the respondent. Perused the notes of evidence.

2. The applicant is convicted for offence punishable under section 304(II) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for 5 years and to pay fine of Rs.10,000/-. By this application, the applicant seeks suspension of his substantive sentence of imprisonment.

3. The sentence of imprisonment being a short term sentence, and taking into consideration the pendency of appeals, the present appeal is not likely to be heard in near future. The applicant was on bail during trial, and he has not misused the facility of bail. The applicant has deposited the fine amount. Hence, the application is allowed in terms of prayer clause "B".

4. Substantive sentence of imprisonment imposed on the applicant in Sessions Case No.11 of 2023 by Additional Sessions Judge, Udgir vide order dated 05.01.2023, is hereby suspended till final disposal of the appeal.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane