

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
33 CRIMINAL APPLICATION NO. 869 OF 2023 IN CRIMINAL
APPEAL NO.185 OF 2023**

**SHAIKH ABDUL MAJID SHAIKH ABDUL HAMID
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Shivaji Namdevrao Dudhate, Advocate for the applicant
Mr. P. N. Kulkarni, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th MARCH, 2023

P. C.

1. This is an application seeking suspension of substantive sentence as awarded by the learned Additional Sessions Judge, Aurangabad dated 31-01-2023 in Sessions Case No. 712/2019. By way of impugned judgment and order the applicant is held guilty for the offences punishable under Section 143 & 147 of the Indian Penal Code and is directed to suffer rigorous imprisonment for 1 year and to pay fine of Rs.1000/- and in default to undergo simple imprisonment for 2 months and for the offence punishable under Section 147 also he is sentenced to suffer rigorous imprisonment for 3 months and to pay fine Rs.500/- in default to undergo simple imprisonment for one month for the offence punishable under Section 143. He submits that fine amount is already paid by the applicant. He

was on bail during the trial. There is no complaint of misuse of liberty.

2. Considering that the sentence is short sentence only of one year and sentence is already suspended, this court finds that it would be appropriate to suspend the sentence during pendency of the appeal. Hence the following order:

ORDER

- a] The criminal application is allowed.
- b] Substantive sentence awarded by the learned Sessions Judge by the judgment and order dated 31-01-2023 in Sessions Case No. 712/2019 is suspended pending the appeal.
- c] The applicant shall be released on bail on furnishing PR bond of Rs.15,000/- with one solvent surety in the like amount.
- d] The applicant shall inform his contact details if any change to the concerned police station.

[KISHORE C. SANT, J.]