

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1652 OF 2023
IN
CRIMINAL APPEAL NO. 372 OF 2023

JAHIR SHABBRIMIYAN SHAIKH @ SHAIKH JAHIR SHAIKH SHABBIR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Appellant : Mr. Gangakhedkar Shailendra S.
APP for Respondent/State : Smt. D. S. Jape

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CORAM : KISHORE C. SANT, J.
DATE : 3rd MAY 2023.

Per Court :

1. The applicant has filed this application seeking suspension of sentences as awarded by the learned Additional Sessions Judge, Nanded in Special Atrocity Case No. 12/2019 by order dated 10.04.2023. By way of the impugned judgment and order, applicant is held guilty for the offences punishable under Sections 452 & 354 of the Indian Penal Code and Section 3(1)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He is sentenced to

suffer Rigorous Imprisonment for two years and to pay fine of Rs.25000/-, in default of payment of fine, to suffer Rigorous Imprisonment for Six Months, for the offence punishable under Section 452 of IPC and also for Section 354 of IPC.

. For Section 3(1)(w)(i)(ii) of the Atrocities Act, he is directed to suffer Rigorous Imprisonment for Six Months and to pay fine of Rs.15000/-, in default of payment of fine, to suffer Rigorous Imprisonment for Three Months.

2. The learned Advocate for the applicant submits that the fine amount is already deposited. He further states that the sentence is already suspended by the learned trial Court for appeal period and prays for suspension of sentence.

3. Considering the fact that the fine amount is already deposited and the sentence is already suspended for appeal period, this Court finds that the application deserves to be allowed. Hence the following order.

ORDER

(i) The application is allowed.

- (ii) The sentences awarded by the learned Additional Sessions Judge, Nanded in Special Atrocity Case No. 12/2019 by order dated 10.04.2023, are suspended.
- (iii) The applicant shall furnish bail bond in the amount of Rs.15000/- in the trial Court and shall keep informed the concerned police authorities about his residential address and mobile number.
- (iv) The applicant shall not contact the informant.
- (v) With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]