

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2237 OF 2023

IN

CRIMINAL APPEAL NO.547 OF 2023

Ehateshamoodin @ Akkubhai S/o. Rafiq
Momin Ehteshamuddin S/o. Rafiquussin
Momin

...Applicant

Versus

The State of Maharashtra & Anr

...Respondents

...

Ms. P. P. Wangikar h/f Mr. R. V. Gore, Advocate for the
Applicant.

Mrs. R. P. Gour, APP, for the Respondent No. 1- State.

Ms. Jayshree Nawade, Advocate for the Respondent No. 2.

...

CORAM : R.M. JOSHI, J

DATE : AUGUST 17, 2023

PER COURT :

1. Learned Counsel for the Applicant states that Applicant is convicted for the offences punishable under Sections 504 & 506 of IPC and Sections 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to suffer RI for one year with fine. It is her further contention that if the Applicant is required to undergo the sentence, the Appeal shall become infructuous and hence, she seeks suspension of sentence pending appeal.

2. Learned Counsel for Respondent No. 2/informant opposed the said contention by submitting that there is evidence against Applicant and hence, he is rightly convicted and having regard to the nature of offence, it is not a fit case for suspending substantive sentence.

3. Considering the fact that this Court is unable to take up appeal for hearing in near future, there is no propriety in calling upon the Applicant to undergo sentence. This Court finds substance in the contention of learned Counsel for the Applicant that Appeal shall become infructuous if the Applicant is required to undergo sentence.

4. Hence, application stand allowed in terms of order dated 03rd July, 2023. The fees of Ms. Jayshree Nawade, learned appointed Counsel, is quantified @ Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani