

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2247 OF 2023
IN REVN/182/2023 WITH REVN/182/2023**

**IMRAN KHAN HAJI KHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Borulkar Avinash R.
APP for Respondents: Mr. K. S. Patil

...
CORAM : S. G. MEHARE, J.

DATE : 28.06.2023

PER COURT :

1. The applicants are seeking suspension of sentence to suffer rigorous imprisonment for one year passed by the learned Judicial Magistrate, F.C. (Court No.17) Aurangabad in Regular Criminal Case No. 1203 of 2015 and confirmed by the learned Additional Sessions Judge, Court No. 11, Aurangabad in Criminal Appeal No. 168 of 2018, decided on 14.06.2023.

2. The learned counsel for the applicants would submit that the cogent evidence as regards the applicants/accused snatching away the money is missing. The prosecution failed to prove the case beyond reasonable doubt. The defence has not been properly considered. Hence, erroneous judgments have been passed. These are the strong

grounds to argue in the revision. Hence the sentence be suspended.

3. The learned A.P.P. would submit that it was a offence against the public. The complaint was filed for the offence punishable under Sections 392 read with Section 34 of the Indian Penal Code. Both judgments and orders are free from illegality. Therefore, the applicants have no good case for suspension of the sentence.

4. Perused the impugned judgments and orders. There appears substance in the argument of the learned counsel for the applicant that there is arguable point in the revision. Considering the length of sentence along with the grounds raised in revision petitions the sentence is liable to be suspended. Hence, the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) The execution, implementation and effect and operation of the sentence to suffer rigorous imprisonment for one year imposed by the learned Judicial Magistrate First Class, Aurangabad by his judgment and order in Regular Criminal Case No. 1203 of 2015 dated 05.09.2018 and confirmed by the learned Additional Sessions Judge,

Aurangabad in Criminal Appeal No. 168 of 2018, dated 14.06.23, is suspended till conclusion of the revision applications.

- (iii) The applicants shall be released on bail on executing PB. and S. B. of Rs. 50,000/- with one solvent surety of the like amount.
- (iv) Bail before the learned Additional Sessions Judge, Aurangabad.

(S. G. MEHARE)
JUDGE

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