



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

**CRIMINAL APPLICATION NO.3843 OF 2023**

**IN**

**CRIMINAL APPEAL NO.707 OF 2018**

Mohammad Navid s/o Mohammad Salim

Age: 34 years, Occu.: Business,

R/o. Near Chunna Bhatti, Nanded,

Tq. and Dist. Nanded.

.. Applicant

**Versus**

The State of Maharashtra

Through Police Station Itwara,

District Nanded.

.. Respondent

...

Mr. H. I. Pathan, Advocate for the applicant.

Ms. Uma S. Bhosale, APP for the respondent – State.

...

CORAM : SMT. VIBHA KANKANWADI AND

ABHAY S. WAGHWASE, JJ.

DATE : 5<sup>th</sup> December, 2023

**ORDER** [Per Smt. Vibha Kankanwadi, J.] :-

. Not on board. Upon mentioning, matter is taken on board.

2. Present application is the second application for suspension of sentence by the applicant/appellant. He has been convicted by the learned Additional Sessions Judge-1, Nanded in Sessions Case No.9 of 2015 by judgment and order dated 05.09.2018 after holding him guilty of

committing offence punishable under Section 302, 307 read with Section 34 of Indian Penal Code and under Section 4 punishable under Section 25 of the Indian Arms Act.

3. At the outset, we would like to say that this Court by order dated 22.10.2018 has rejected the application for suspension of sentence filed by the present applicant i.e. Criminal Application No.2861 of 2018. Perusal of the application would show that there is nothing on record which would allow us to take a different view. One of us (i.e. Smt. Justice Vibha Kankanwadi) was party to the Division Bench which has passed the earlier order of rejection of application by the applicant. It has been stated that after five years of lapse and the appeal is not listed for final hearing, he has undergone almost nine years of sentence and there is likelihood of more time for the appeal and, therefore, he has filed the second application. We do not find reasons as good grounds. In fact, this Court is now taking up the jail appeals of the year 2018. If the learned Advocate for the applicant would have kept a track, then he would have got the knowledge that many jail appeals of the year 2018 have been decided by this Court up till now. There was no attempt on the part of the learned Advocate for the applicant/appellant to get the matter circulated and listed. Therefore, no ground is made for suspension of sentence. In fact, we propose to list the Criminal Appeal No.707 of 2018 along with Criminal Appeal No.698 of

2018 for final hearing in the week commencing from 08.01.2024.

4. With these observations, the application stands rejected.

**[ ABHAY S. WAGHWASE ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm