

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1540 OF 2023
IN
CRIMINAL APPEAL NO. 474 OF 2023**

Hashim Harun Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Mehendra N. Sandhyanshiv, Advocate for the Appellant.

Mr. A. R. Patil, APP for the Respondent-State.

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 20th OCTOBER 2023**

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PC.:

1. This application is filed for suspension of substantive sentence of seven years imprisonment imposed on the applicant by learned Additional Sessions Judge, Malegaon, District Nashik in Sessions Case No. 22 of 2016 thereby convicting applicant under Section 307 of Indian Penal Code, 1860 (for short "IPC").

2. Learned Advocate for applicant submits that applicant has already undergone two years of imprisonment by now and considering injury certificate, the injury can be termed as simple and therefore, Section 307 of IPC is not attracted in the present case.

3. Learned APP strenuously opposed the application by placing on record copy of report produced by Investigating Officer wherein it is mentioned that as many as 10 offences registered against the applicant at Manmand City Police Station, under Sections 307, 323, 324, 326, 354-D of IPC read with 12 of POCSO Act, Section 4/25 of the Arms Act and offences under Section 379 read with 34 of IPC at G.R.P. Police Station, Manmad. He therefore submits that considering the criminal antecedents, applicant does not deserve appeal.

4. Considering criminal antecedents of the applicant, applicant does not deserve relief of suspension of sentence, application is therefore rejected. Appeal expedited.

(NITIN B. SURYAWANSHI, J.)