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

**INTERIM APPLICATION NO.1606 OF 2023
IN
CRIMINAL APPEAL NO.341 OF 2023**

Sameer Babasaheb Mujawar ...Applicant
vs.
The State of Maharashtra & Anr. ...Respondents

Mr. Subir Sarkar for the Applicant.
Mrs. M. H. Mhatre APP for Respondent No.1.
Mr. Veerdhaval Deshmukh, Advocate appointed for
Respondent No.2 through Legal Aid Panel.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 23RD OCTOBER 2023

P. C. :

1. Prima facie, there appears merit in contention of Applicant that sentence of 20 years rigorous imprisonment could not have been imposed on him as offence was allegedly committed by him between 2015-2017 and amendment enhancing sentence of 20 years rigorous imprisonment came in 2019. Therefore, at the most maximum sentence of 10 years rigorous imprisonment could have been imposed on Applicant. By this time, Applicant has

undergone five years rigorous imprisonment. Hence, he seeks suspension of sentence.

2. Prima facie, there appears material to sustain conviction, therefore, this Court is not inclined to suspend sentence of Applicant.

3. Learned Advocate for Applicant argued on merits of Appeal, which cannot be considered at this stage. Application is, therefore, dismissed with liberty to renew his request after six months.

[NITIN B. SURYAWANSHI, J.]