

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3031 OF 2023
IN
CRIMINAL APPEAL NO.932 OF 2023

Gafur Shahabuddin Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Vivek Joshi i/b Mr.Vikas Shivarkar for the Applicant.
Mr.S.R.Agarkar, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 13th SEPTEMBER, 2023

P.C:-

1. The Applicant, who is sentenced to suffer R.I. for two years, on being found guilty for committing the offence punishable under Sections 353, 504 and 506 of the Indian Penal Code, has filed the Appeal assailing the judgment on the ground of perverse finding being rendered by the Additional Sessions Judge, Pune. The Appeal is admitted on 28/08/2023.

2. By the present Application, the Applicant seeks suspension of sentence imposed on him under the impugned judgment and pray for his release on bail upon such terms and conditions, which this Court deems fit.

3. With the able assistance of the learned counsel for the Applicant and the learned A.P.P., I have perused the impugned judgment. My attention is invited to the testimony of the Complainant, where he has deposed about the incident and alleged that the Accused i.e. the present Applicant abused him, when he was attempted to be stalled for overriding the signal and when he created obstruction in discharging the duties. In the cross examination, certain admissions have been surfaced, where it is admitted that it is permissible to take a left turn and he was standing in the middle of the square, when the Accused took a left turn from the square. But, he offered a clarification that before that, he did not follow the signal.

4. The aforesaid admission has the effect of creating discrepancy in the prosecution case and deserve proper appreciation, when the Appeal shall be heard.

Since the sentence imposed is of fixed term and being minuscule in nature, I deem it appropriate to suspend the sentence imposed by the impugned judgment and order dated 20/06/2023.

5. During the pendency of the Appeal, the Applicant is entitled to be released on bail, subject to the following conditions.

: ORDER :

(a) The sentence imposed on the Applicant vide impugned judgment dated 20/06/2023 in Sessions Case No.699 of 2019, is suspended during the pendency of the Appeal.

(b) Applicant – Gafur Shahabuddin Shaikh shall be released on bail in Sessions Case No.699 of 2019 (F.I.R. No.32 of 2014) on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.

(c) The Applicant shall mark his attendance in the concerned police station on first Saturday of every trimester between 5.00 p.m. to 6.00 p.m.

6. The Application stands disposed off.

(SMT. BHARATI DANGRE, J.)