



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (APPA) NO.1038 OF 2023 IN
CRIMINAL APPEAL NO.643 OF 2023

Shakeel Ahmad s/o Chhote Ahmad alias Shaikhjee Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.K. Tiwari, Advocate for appellant.
Shri I.J. Damle, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 29, 2023.

The applicant seeks suspension of substantive sentence during pendency of appeal. The applicant has been convicted for the offence punishable under Sections 332 and 353 of the Indian Penal Code and he has sentenced to suffer simple imprisonment for one years and to pay fine of Rs.1,000/- each count.

2. Heard learned counsel for the applicant as well as learned APP for non-applicant/State. I have gone through the impugned judgment dated 25.08.2023.

3. It is submitted that the applicant has already deposited fine amount. The applicant was on bail during trial.

4. The learned APP has opposed the application on the ground that the learned trial Court has rightly considered the evidence and convicted the applicant. The applicant has no ground for appeal, hence, the application be rejected.

5. Having heard both sides and considering the quantum of punishment and the fact that number of appeals are pending before this Court, a case is made out for suspension of substantive sentence.

6. Pending appeal the substantive sentence imposed on the applicant in Sessions Trial Case No.358/2020 by the learned Adhoc District Judge-2, Nagpur dated 25.08.2023 shall remain suspended.

7. The applicant is released on bail on furnishing PR bond of Rs.15,000/- with one surety in the like amount.

8. The applicant shall give undertaking to appear before this Court as and when directed.

9. The application is disposed of.

CRIMINAL APPEAL NO.643 OF 2023

10. Heard.

11. **Admit.**

12. Call record and proceedings.

13. Learned APP waives notice of hearing for respondent/ State.

JUDGE

Wagh