

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPEAL NO. 28 OF 2023

FIROZ KHAN SULTAN KHAN

VS

STATE OF MHA. THR. PSO CITY KOTWALI AMRAVATI TQ. AND DIST.AMRAVATI

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Mohd. Amin Memon, Advocate for applicant.
Mr. N. R. Rode, APP for respondent State.

CORAM : ANIL L. PANSARE J.

DATE : 16/01/2023

Heard.

2. **Admit.**

3. Call for record and proceedings.

4. Learned APP waives notice on behalf of
respondent State.

CRIMINAL APPLICATION NO. 48 OF 2023

Heard.

2. The applicant has filed this application for
suspension of sentence under Section 389 of the Code
of Criminal Procedure.

3. The learned counsel for the applicant submits that the applicant has been convicted for the offence punishable under Sections 353 and 427 of the Indian Penal Code, so also under Section 3 of the Prevention of Damage to Public Property Act.

4. Learned counsel for the applicant further submits that the maximum punishment awarded to the applicant is of one year with fine. The applicant has already paid the fine amount and he was on bail pending trial. The appeal has been filed on 30/12/2022. It will take its own time to hear the appeal. Since applicant was on bail pending trial, it will be appropriate to suspend the execution of sentence pending appeal.

5. The execution of sentence imposed upon the applicant by judgment and order dated 17/12/2022, passed by the learned Additional Sessions Judge, Amravati, District Amravati in Sessions Case No.156 of 2018, is hereby suspended.

JUDGE