

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3085 OF 2023
IN
CRIMINAL APPEAL NO. 524 OF 2023
WITH
INTERIM APPLICATION NO. 4345 OF 2023
IN
CRIMINAL APPEAL NO. 524 OF 2023

Mohd. Dilshad Pappan @ Kalim ... Applicant/Appellant
Khan

V/s.

The State of Maharashtra ... Respondents

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GAIKWAD

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Mr. Mishra Dilip Kumar, appointed, for the applicant.

Mrs. M.R. Tidke, APP, for the State.

CORAM : KISHORE C. SANT, J.

DATE : 26TH MARCH 2024.

PC:

1. Heard the learned advocate for the applicant and learned APP for the State.

2. This application is filed seeking suspension of sentence and release of the applicant on bail. The applicant is held guilty for the offence punishable under section 307 of Indian Penal Code. He is directed to undergo 7 years Rigorous Imprisonment. The other co-accused are acquitted from the offence.

3. It is the submission of the learned advocate for the applicant that the applicant was in jail from 27.04.2014 to 30.10.2014 and thereafter, from 21.12.2018 till today. The applicant is held guilty by way of judgment and order dated 11.06.2019 in Sessions Case No. 590 of 2014 with Sessions Case No. 212 of 2015 by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay.

4. It is the submission of the learned advocate that out of 7 years of punishment he has already undergone more than 5 years. He further submits that now there is compromise between the parties. The victim and applicant are desirous of putting on end to litigation and the intermission of the elderly persons.

5. Learned APP opposes the application.

6. Considering the fact that the applicant had already suffered more than 5 years of sentence out of 7 years, this case needs to be considered. Hence, the following order:-

ORDER

(a) Interim application is allowed.

(b) Sentence awarded by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay in Sessions Case No.590 of 2014 with Sessions Case No. 212 of 2015 shall stand suspended.

(c) The applicant shall be released on bail on furnishing PR.bond and solvent surety in the sum of Rs. 15,000/-. Fine amount is already paid.

(d) The applicant shall furnish his contact details including mobile number to the concerned Police Station. If there is any change in the contact details, applicant shall immediately inform the same to the concerned police station.

7. With this, the application stands disposed of.

(KISHORE C. SANT, J)