

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

**INTERIM APPLICATION NO. 3573 OF 2023
IN
CRIMINAL APPEAL NO.1092 OF 2023**

Jakir Hussain Kazimuddin Shaikh ... Applicants/Appellants
V/s.
State of Maharashtra ... Respondent

Ms. Snifa Khan I.by Khan Abdul Wahab, for the Applicant.
Mrs. M.R. Tidke, APP, for the Respondent/State.

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CORAM : KISHORE C. SANT, J.

DATE : 29TH JANUARY 2024.

PC:

1. Heard the parties.

2. By way of Judgment and order the present applicant is held guilty by the Additional Sessions Judge, Greater Mumbai in Special Case No. 218 of 2016 passed on 18th September 2023 for the offences punishable under Section 489C of the Indian Penal Code, 1860. He is sentenced to suffer R.I. for five years and to pay fine of Rs. 3,000/- in default to undergo imprisonment for two months.

3. It is submitted that the applicant was arrested on 21.11.2015. He was released on bail on 18.03.2017 during the pendency of the trial. Thereafter, he has surrendered on 18.09.2023 i.e. the date of the judgment. He is granted interim protection by this Court. Considering that the sentence is short term sentence and out of that sentence he has already undergone substantive period i.e. one year, 3 months and 25 days. Hence, the application deserves to be allowed. I pass the following order:

ORDER

- i) The application stands allowed.
- ii) Surety already furnished by the applicant in the trial Court be continued till the final disposal of the appeal. Fine amount is already paid.
- iii) The applicant shall attend the police station once in every month i.e. on first Sunday of every month as per the convenient time of the concerned Police Station In-charge.
- iv) The applicant shall keep informed concerned Police Station about his residential address, mobile number etc and other contact details

4. The application is disposed of.

(KISHORE C. SANT, J)