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

CRIMINAL WRIT PETITION NO. 2987 OF 2024

Mohammad Hussein @
Shahrukh Abdul Khalik Pathan

...Petitioner

Vs.

Union Of India And Anr.

...Respondents

Mr. Madan Gupta a/w Adv. S. Singh for the Petitioner.

Mr. Harsh Dedhia i/b Mr. H. S. Venegavkar for the Respondent No.1-UOI.

Mr. N. B. Patil, APP for the Respondent No.2-State.

CORAM : SHYAM C. CHANDAK, J.

DATED : 21th OCTOBER, 2024

P.C. :-

. Present Petition impugning the Order dated 16th June 2021, below Application Exh.4 in Criminal Appeal No.3 of 2022 passed by learned Sessions Judge, Daman thereby said Application Exh.4 seeking for suspension of sentence and release of the Petitioner on bail, came to be rejected.

2) Heard learned Counsel for the Petitioner, learned Counsel for Respondent No.1 and learned A.P.P. for Respondent No.2.

3) Rule. Rule made returnable forthwith. By consent of the parties, the Petition is taken up for final hearing.

4) The Petitioner has been convicted by the Judgment and Order dated 29th October 2021, passed in R.C.C.No.9 of 2021, by the Court of Chief Judicial Magistrate, Daman for the offence punishable under Section

392 read with 34 of I.P.C. and sentenced to suffer R.I. for five years and to pay a fine of Rs.10,000/-.

5) Learned Counsel for the Petitioner states that the Petitioner is in jail since last 33 months. Including the period of remission, the Petitioner has already undergone the majority period of sentence. The Petitioner has no criminal antecedents and the Petitioner is not likely to abscond, if granted bail by suspending the sentence. He states that the Appeal of the Petitioner is fixed before the Sessions Court on 16th November 2024, for final hearing. If the Sessions Court is directed to hear and dispose of the Appeal within one month, then, at this stage he would not press this Petition for bail. He states that the Advocate on record for the Petitioner in the Appellate Court would argue the matter on the due date i.e. 16th November 2024. The same is agreed by learned Counsel for Respondent No.1 and learned A.P.P. for Respondent No.2-State. Hence, following Order :

ORDER

- (i) The learned Sessions Judge, Daman is requested to hear Criminal Appeal No.3 of 2022 on due date i.e. 16th November, 2024 and decide the same in time bound manner as per the Manual.
- (ii) List the Petition on **25th November 2024**, “for directions”.

(SHYAM C. CHANDAK, J.)