

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

**INTERIM APPLICATION NO.1563 OF 2024
WITH
CRIMINAL REVISION APPLICATION NO.184 OF 2024**

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Hashim Ahmed Amir Sayed @ Anis Asif
Ahmed Sayed ..Applicant

Versus
The State of Maharashtra ..Respondent

Mr. Anup Lahoti, for the Applicant.

Ms. Rashmi S. Tendulkar, APP for the Respondent/State.

Mr. Chandrakant Ramchandra Wagh, PSI, Pen Police Station –
present.

**CORAM : KISHORE C. SANT, J.
(VACATION COURT)**

DATE : 31st MAY, 2024

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1. This Application is by the original accused, who was convicted with another accused for the offence punishable under Section 420, 468 and 471 of the IPC. For offence under Section 420 of IPC, he was sentenced to suffer two years rigorous imprisonment and to pay fine of Rs.5000/- and in default to suffer further three months rigorous imprisonment. For the offence under Section 468 of IPC, he was sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.10,000/- and in default to suffer further rigorous imprisonment for three months. For the offence under Section 471 of IPC, he was sentenced to suffer rigorous

imprisonment for one year and fine of Rs.5000/- and in default to suffer rigorous imprisonment for two months.

2. The Applicant challenged the judgment by filing Appeal bearing Criminal Appeal No.23 of 2013 before the Sessions Judge, Alibag, Raigad along with other accused. In an Appeal, learned Sessions Judge acquitted accused No.2 i.e. Avinash Vaidya and held this Applicant guilty. The conviction under Section 420 of IPC is maintained. Applicant is acquitted of the charge under Section 468 of IPC. The conviction and sentence under Section 471 of IPC is maintained. The sentence under Section 420 r/w Section 34 of IPC is modified and reduced to rigorous imprisonment for one year and to pay fine of Rs.5000/- in default to suffer rigorous of three months.

3. The Applicant has thus approached this Court by filing the present Revision Application. The Applicant is in jail since 05.04.2024. Learned advocate thus submits that he has suffered about two months imprisonment out of one year. The sentence is short sentence. In the Trial Court itself, he has deposited the fine amount. He thus prays that the sentence be suspended pending the Revision Application, which is admitted by this Court by separate order.

4. After hearing the parties, this Court finds that the sentence is a short sentence of one year only. There is no likelihood of the revision being taken up for hearing in near future.

Considering above, this Court is inclined to allow this Application.
Hence, the following order :-

- i) The Application stands allowed.
 - ii) The substantive sentence awarded by learned Sessions Judge, Alibag, Raigad dated 05.04.2024 in Criminal Appeal No.23 of 2013 stands suspended pending the Revision Application.
 - iii) The Applicant is directed to be released on bail on furnishing PR bond and one solvent surety in the sum of Rs.15,000/- before the Trial Court i.e. JMFC, Pen.
 - iv) The Applicant shall keep the concerned Police Station informed about his contact details including his mobile number etc.
 - v) The Applicant shall not leave country without seeking permission from this Court.
5. With this, the Application stands disposed of.

[KISHORE C. SANT, J.]