

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1754 OF 2024
IN
CRIMINAL APPEAL NO. 1095 OF 2018

Hujer Raffique Shaikh] Applicant
vs.
The State of Maharashtra and Anr.] Respondent

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Mr. M. M. Chaudhari, for Applicant.

Ms. P. P. Shinde, APP, for the Respondent-State.

Ms. Farhana Shah, Appointed Advocate, for the Respondent No.2.

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CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.

DATE : 2nd September, 2024.

P.C:

Heard learned Counsel for the parties.

2 By this application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his appeal.

3 The applicant vide judgment and order dated 3rd July, 2018

passed by the learned Additional Sessions Judge, Nashik in Sessions Case No. 210 of 2016 has been convicted alongwith other co-accused for the offence punishable under Section 302 r/w 34 of the Indian Penal Code ('IPC') and is sentenced to suffer imprisonment for life and to pay a fine of Rs.25,000/-, in default, to suffer further rigorous imprisonment for one year.

4 Perused the papers. The prosecution case rests on direct evidence. According to the eye witnesses, the incident took place on 18th April, 2016 at about 8:45 p.m. According to the eye witnesses, the applicant assaulted the deceased-Toufiq Mohammad Hanif Shaikh with a chopper. As the deceased sustained several multiple injuries, he succumbed to the same. It also appears from the evidence of the eye witnesses that the accused did not allow the public to intervene when they attempted to stop the assault. The evidence of PW-1-Dr. Anand Vilas Pawar shows that the deceased had sustained about 25 external injuries all over the body. The applicant is the actual assailant and hence, this is not a fit case to enlarge the applicant on bail.

5 However, since the applicant is in custody for about 8 years,

the hearing of the appeal is expedited. Paper-book is also ready. The appeal be placed at the end of the Admission Board under the caption 'For Final Hearing' on **21st October, 2024.**

6 Application is accordingly disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]