

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

CRI. INTERIM APPLICATION NO. 2259 OF 2024

1) Salim Akbar Shaikh

2) Feroj Rashid Shaikh

...Applicants

vs.

State of Maharashtra

...Respondent

Mr. Ujwal Agandsurve :-	Advocate for Applicants.
Ms. S. E. Phad :-	APP for State.

CORAM : S. M. MODAK, J.

DATE : 19th JUNE 2024

P. C. :-

- 1.** Heard learned Advocate for the Applicants and learned APP.
- 2.** All the Applicants were acquitted by the Court of Chief Judicial Magistrate, Solapur on 5th July 2022. The offences are under sections 420, 468, 471 r/w. section 34 of the Indian Penal Code. The state has not preferred any Appeal but the original Complainant has preferred Criminal Appeal No.25 of 2022.

3. The Court of Additional Sessions Judge, Solapur reversed the Judgment and convicted Applicants for those offences vide Judgment dated 16th May 2024. Sentence is as follows:-

- (i) Rigorous Imprisonment for three years;
- (ii) To pay fine of ₹1000/- (Rupees One Thousand);
- (iii) This sentence is for offence under section 420, so also for section 468 and also for section 478 of the Indian Penal Code.

4. Amount of fine is deposited. Receipts are annexed. No doubt it is true that question of legality has to be seen in the Revision. While deciding the prayer for suspending sentence, one point appealed to my conscious. It is in respect of not obtaining handwriting expert opinion. Applicant No.1 applied to Local Authority for water connection. That is not in his name but in the name of landlord – Subhash. The application is dated 25th May 2008. Whereas the said Subhash has already expired in the year 2017. According to learned APP record needs to be called. It is also true that there are different ways of proving forgery. These issues can be looked into when Revision to be heard finally. Hence order:-

ORDER

- (i) Substantial sentence against the Applicants (1) Salim Akbar Shaikh and (2) Feroj Rashid Shaikh is suspended on furnishing Personal Bond and Security Bond of ₹15,000/- (Rupees Fifteen Thousand only) each.
- (ii) It be furnish before the trial Court within a period of two weeks from today.
- (iii) Interim Application is disposed of.

[S. M. MODAK, J.]

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