

Shailaja

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

**INTERIM APPLICATION NO.3407 OF 2024
IN
CRIMINAL APPEAL NO.1010 OF 2024**

Mohd. Jaid Alimuddin Shaikh	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

.....

Mr. Aniket Vagal a/w Mr. Sanket Bhowad, Mr. Kunal Pednekar and
Ms. Savvy Kolhekar, for Applicant.

Mr. K.V. Saste, Addl. P.P., for Respondent-State.

.....

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

DATE : 20th September, 2024.

P.C:

1. Heard learned Counsel for the parties.
2. By this Interim application, the applicant seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of his aforesaid appeal.

3. The applicant vide judgment and order dated 31st May, 2022 passed by the learned Special Judge MCOCA, City Civil and Sessions Court, Greater Mumbai in MCOC Special Case No.7 of 2016 has been convicted for the offences punishable under Sections 143, 147, 302 r/w section 149 of the Indian Penal Code (“I.P.C”) and Sections 3 (1) (i), 3 (2) and 3 (4) of the The Maharashtra Control of Organised Crime Act, 1999 (“MCOC Act”) and sentenced as under;

. for the offence punishable under section 143 of the I.P.C, to suffer rigorous imprisonment for six months and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for three months;

. for the offence punishable under section 147 of the I.P.C, to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for three months;

. for the offence punishable under section 302 r/w section 149 of the I.P.C to suffer life imprisonment and to pay a fine of Rs.10,000/-, in default, to suffer rigorous imprisonment for three months.

. for the offence punishable under section 3 (1) (i) of the MCOC Act to suffer life imprisonment and to pay fine of Rs.1,00,000/-, in default, to suffer rigorous imprisonment for one year;

. for the offence punishable under section 3 (2) of the MCOC Act, to suffer rigorous imprisonment for ten years and to pay a fine of Rs.5,00,000/- each, in default, to suffer rigorous imprisonment for three years.

. for the offence punishable under section 3 (4) of the MCOC Act, to suffer rigorous imprisonment for ten years and to pay a fine of Rs.5,00,000/-, in default, to suffer rigorous imprisonment for three years.

. All the aforesaid sentences were directed to run concurrently.

4. Perused the application. The prosecution case essentially rests on direct evidence i.e evidence of P.W.4 – Imran Niyarealam Khan and P.W.5 – Sajid Mohamooaha Siddhiqui. Both the said eye witnesses have categorically deposed the manner in which the applicant assaulted the deceased with a chopper. In the evidence, it is stated that the applicant assaulted the deceased with a chopper on his head and other parts of the body. Medical evidence shows

that the deceased had sustained as many as 47 external injuries. P.W. 8 – Dr. Rajesh Chandrakant Dere has deposed with respect to the said 47 injuries sustained by the deceased. Most of the said injuries are on the vital part of the deceased's body. In addition to the ocular evidence, there is recovery of blood stained clothes and chopper at the instance of the applicant.

5. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. The application is rejected. However, since the applicant is in the custody for nine years, hearing of the appeal is expedited. As soon as the paper book is ready, the appeal be listed under the caption "For Directions" for fixing date of hearing of the aforesaid appeal.

6. The application is disposed of accordingly.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]