

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3784 OF 2024
IN
REVISION APPLICATION NO. 514 OF 2024

Nisar Abdul Shaikh

... Applicant

vs.

State of Maharashtra

... Respondent

Mr. Mahendra N. Sandhyanshiv :-	Advocate for Applicant.
Ms. S. E. Phad :-	APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 20th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for Applicant / convicted accused and learned APP. In all four accused were tried before Court of Judicial Magistrate First Class at Malegaon for the offences punishable under Sections 326, 324, 323, 504 and 506 r/w. Section 34 of the Indian Penal Code [IPC]. It is for assaulting first informant Noorjahan – PW4 and her husband Ansar – PW5. The trial Court has convicted present

Applicant for offence punishable under Section 326 of the IPC. The sentence is :-

- (i) One year Rigorous Imprisonment; and
- (ii) Fine of Rs.3,000/- (Rupees Three Thousand only).

2. The trial Court has acquitted rest of the accused.

3. The trial Court mainly relied upon evidence of PW4 and PW5 and evidence of Medical Officer and Investigating Officer. After hearing and after perusing the record, I think at this stage case for suspension is not made out. It is true that if hearing of the Revision is delayed, certainly sentence can be suspended. Because Applicant could not suffer for delay in deciding Revision. Hence following order is passed :-

ORDER

- (i) Call Record and Proceedings.
 - (ii) If this Revision is not heard within three (3) months, then Applicant can reiterate the prayer for suspension.
 - (iii) Office to issue writ calling record and proceeding immediately.
4. Matter be kept for record on 14th October 2024.

[S. M. MODAK, J.]