



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.347 OF 2024

IN

CRIMINAL APPEAL NO.189 OF 2024

(Sheikh Aahat @ Sheikh Shaukat Sheikh Ahmad Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, Advocate for the appellant.
Ms S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 3, 2024.

By this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The appellant was prosecuted for the offence punishable under Sections 143, 147, 353, 332, 333 and 506 read with Section 149 of the Indian Penal Code. After recording the evidence the learned trial Court held the appellant guilty of the offence punishable under Sections 353, 332 and 333 of the IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/-, in default to suffer one month rigorous imprisonment. He is also sentenced of the offence punishable under Section 332 of the IPC and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.2000/- and the similar punishment is imposed of the offence punishable under Section 332 of the IPC and on default one month rigorous imprisonment.

3. Learned Counsel for the appellant submits that the appeal will take its own time for its final decision. He also pointed out from the impugned judgment that he has many arguable points. Moreover, he submitted that the punishment is for a limited period, if the sentence is executed the appeal will become infructuous.

4. Learned Additional Public Prosecutor strongly opposed the application and prays for rejection of the application.

5. I have heard learned Counsel for both the parties and perused the impugned judgment. The sentence imposed is for a limited period. The appeal will take its own time for its final decision, in the meantime, if sentence is executed the appeal will become infructuous. In view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence imposed by the Additional Sessions Judge, Buldhana in Sessions Trial No.4/2019 is hereby suspended till final disposal of the appeal.

(iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

(iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

6. The application stands disposed of.

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Heard.

2. **ADMIT.**
3. Learned APP waives notice for the State.
4. Call for R. & P.
5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)