



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

CRIMINAL APPLICATION (APPA) NO. 230 OF 2024

IN

CRIMINAL APPEAL NO. 122 OF 2024

SHEIKH SHARIF S/O SHEIKH AJIJ AND OTHERS

Vrs.

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

Shri S. G. Karmarkar, Advocate for applicants.
Shri N. R. Rode, A. P. P. for respondent-sole.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 26/02/2024.

1. By preferring this appeal, the appellants have challenged the Judgment and order of sentence passed by the Additional Sessions Judge-10, Nagpur in Sessions Case No.463/2019 whereby the appellants are convicted. The appellants are convicted for the offences punishable under Sections 143, 147, 148, 149, 353, 326, 332 and 120-B of the Indian Penal Code.

2. The appellants are convicted for the offence punishable under Section 143 r/w Section 149 of the IPC and sentenced to suffer Rigorous Imprisonment for 3 months, of the offence punishable under Section 147 r/w Section 149 of the IPC and sentenced to suffer Rigorous Imprisonment of 1 year and fine of Rs.1,000/-, in default, Rigorous Imprisonment for 3 months, of the offence punishable under Section 148 r/w Section 149 of the IPC,

to suffer Rigorous Imprisonment of 1 year and 6 months and fine of Rs.1,000/-, in default, Rigorous Imprisonment for 3 months, of the offence punishable under Section 353 r/w Section 149 IPC, to suffer Rigorous Imprisonment for 2 years and 6 months and fine of Rs.3,000/-, in default, Rigorous Imprisonment of six months, of the offence punishable under Section 323 r/w Section 149 of IPC, to suffer Rigorous Imprisonment of 6 months and fine of Rs.500/-, in default, to suffer Rigorous Imprisonment for 1 month each and of the offence punishable under section 332 r/w Section 149 of the IPC, to suffer Rigorous Imprisonment for 1 year and 6 months and fine of Rs.1,000/-, in default, to undergo Rigorous Imprisonment for 3 months each. The amount of fine is already deposited by the appellants.

3. The learned counsel for the appellants submitted that the punishment is for a limited period. The appeal would take its own time for its final decision. Moreover, he pointed out that he has arguable point in the present appeal. The appeal would take its own time for its final decision. In the meantime, if the sentence is executed, appeal would become infructuous.

4. The learned APP strongly opposed the application on the ground that the appeal is groundless and devoid of merit and application deserves to be rejected.

5. Having heard learned counsel for the appellants and learned APP for the State, perused the

impugned Judgment. The learned counsel pointed out that he has various arguable points in the present appeal. Admittedly, the appeal would not be decided in near future and in the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The execution of sentence is suspended, till disposal of the appeal.
- ii] The applicant Nos.1 to 10 be released on bail on executing PR bond of Rs.25,000/- each with one solvent surety in the like amount.
- iii] The application is disposed of.

CRIMINAL APPEAL 122 OF 2024

- 6. Heard.
- 7. **Admit.**
- 8. Shri N. R. Rode, learned APP waives notice for respondent-sole.
- 9. Call for Record and Proceedings.
- 10. The appeal be placed before this Court after preparation of Record and Proceedings.

[URMILA JOSHI-PHALKE, J.]