



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CRIMINAL APPLICATION NO. 2125 OF 2025
IN APEAL/206/2025
WITH
CRIMINAL APPEAL NO. 206 OF 2025

SAIF ALIAS SAIFALI SHAKIL SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents: Mr. P.P. Dawalkar
...

CORAM : ARUN R. PEDNEKER, J.
Dated : July 30, 2025

PER COURT :-

1. Heard the learned counsel for the applicant/appellant and the learned APP for respondent/State.
2. Criminal Application No. 2125/2025 is filed by the applicant/appellant for suspension of substantive sentence imposed by the learned Sessions Judge, Latur vide judgment and order dated 3.3.2025 in Sessions Case No. 130/2022. The relevant part of the operative order is as under :-

"1) The accused No. 1 Saif @ Saifali Shakil Shaikh, R/o. Kazi Galli, Tq. Ausa, Dist. Latur is convicted under section 235(2) of Criminal Procedure Code of the offence punishable under Section 304 Part II of the Indian Penal Code and sentenced to suffer rigorous imprisonment for seven (07) years and to pay fine of Rs.5,000/- (Rs. Five Thousands) in default of payment of fine to suffer simple imprisonment for one (1) year."

2. The learned counsel for the applicant submits that the maximum sentenced imposed on the applicant is of seven years rigorous imprisonment and the applicant has already undergone three years and two

months sentence. The learned counsel submits that hearing of the appeal will take some time. The learned counsel therefore prays to suspend the substantive sentence imposed on the applicant.

3. The learned APP strongly opposed the application on the ground that serious offence is committed by the applicant and prays to reject the application.

4. Having perused the above submissions and record, it appears that the applicant has substantially undergone the sentence and for last three years and two months he is behind the bars. The appeal will not conclude in near future. In view of the above, I hold that substantive sentence imposed by the learned Sessions Judge, Latur can be suspended till the conclusion of the appeal.

5. In view of the above discussion, the application filed for suspension of substantive sentence is allowed and disposed of. The applicant/appellant shall be released on bail on such terms and conditions which the trial Court may deem fit and proper.

6. The appeal is **admitted**. After admission, the learned APP waives service of notice for respondent/State.

7. Call R. & P.

(ARUN R. PEDNEKER, J.)

ssc/