



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**972 CRIMINAL APPLICATION NO. 2148 OF 2025
IN APEAL/438/2025**

Shaikh Asif Shaikh Mukhtar

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Borulkar Avinash R.

APP for Respondents-State: Mr. S. K. Shirse

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CORAM : ARUN R. PEDNEKER, J.

Dated : July 08, 2025.

PER COURT :-

1. Present application has been filed by original accused for suspension of substantive sentence imposed on him in Sessions Case No.205/2023, dated 14/05/2025, by learned Additional Sessions Judge, Aurangabad, District Aurangabad. The applicant has been convicted thus ;

“1. Accused No.1 Fatema Abubakar Shaikh, No.2 Shaikh Asif Shaikh Muktar and No.3 Shaikh Kamroddin Shaikh Bashiroddin hereby convicted under Section 235(2) of the Code of Criminal Procedure for offence punishable under Section 353 R/w Section 34 of The Indian Penal Code, 1860 and sentenced to suffer Rigorous Imprisonment for 1 (one) year and to pay fine Rs.5,000/- (Five Thousand only) each, in default to suffer further Rigorous Imprisonment for 1 (one) month.

2. Accused No.1 Fatema Abubakar Shaikh, No.2 Shaikh Asif Shaikh Muktar and No.3 Shaikh Kamroddin Shaikh Bashiroddin hereby convicted under Section 235(2) of the Code of Criminal Procedure for offence punishable under Section 504 R/w Section 34 of The Indian Penal Code, 1860 and sentenced to suffer Rigorous Imprisonment for 1 (one) month and to pay fine Rs.2,000/- (Two Thousand only) each, in default to suffer further Rigorous Imprisonment for 7 days.

3. Accused No.1 Fatema Abubakar Shaikh, No.2 Shaikh Asif Shaikh Muktar and No.3 Shaikh Kamroddin Shaikh Bashiroddin hereby convicted under Section 235(2) of the Code of Criminal Procedure for offence punishable under Section 506 R/w Section 34 of The Indian Penal Code, 1860 and sentenced to suffer Rigorous

Imprisonment for 1 (one) month and to pay fine Rs.2,000/- (Two Thousand only) each, in default to suffer further Rigorous Imprisonment for 7 days.”

2. Heard both sides.

3. The learned Counsel for the appellant submits that the appellant has been sentenced to one year of imprisonment. He further submits that the appellant has a good case on merits and that the appeal is likely to take considerable time for final disposal.

4. It is also submitted that the Trial Court had suspended the sentence up to 30/06/2025, and thereafter, this Court extended the suspension till 08/07/2025.

5. In view of the above, the substantive sentence deserves to be suspended till the final hearing and disposal of the appeal, subject to the condition that the appellant shall deposit the fine amount before the Trial Court, if not already deposited, and on the following terms : -

ORDER

1) The application stands allowed, subject to the condition that the applicant shall deposit the fine amount before the Trial Court, if the same has not already been deposited.

2) The sentence imposed on the applicant / appellant Shaikh Asif Shaikh Mukhtar in Sessions Case No.205/2023,

dated 14/05/2025, by learned Additional Sessions Judge, Aurangabad, District Aurangabad, is hereby suspended till the final hearing and disposal of Criminal Appeal No.438/2025.

3) The applicant/ appellant be released on P.R. of Rs.30,000/- (in words rupees thirty thousand only) with two sureties of Rs.15,000/- each (in words rupees fifteen thousand only).

4) Applicant/ appellant shall not commit any criminal activity.

6. Bail before Trial Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.