

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 252 OF 2025
IN
CRIMINAL APPEAL NO. 52 OF 2025

Furkan Yasin Fansopkar ... Applicant.
Versus
The State of Maharashtra ... Respondent

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Mr. Rakesh Bhatkar a/w Mr. Mohan N. Devkule, Mr. Mohit Dalvi
and Ms. Smita Samel, for the Applicant.

Dr. D. S. Krishnaiyer, APP, for the Respondent-State.

Mr. S. M. Sawant, A.S.I., Ratangiri (R), Police Station, present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 29th JANUARY, 2025.

P.C.

Heard learned Counsel for the applicant and the learned APP.

2 The learned Additional Sessions Judge, Ratnagiri, by the
impugned order 20th December, 2024, convicted the applicant
alongwith another accused for the offences as stated in the operative
part of the order, which is extracted below;

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Rekha Patil

O R D E R

1) Accused No.1 Shahid Sadik Mujawar is hereby convicted under Section 235(2) of the Code of Criminal Procedure for the offence punishable under Section 170, 392 r.w. 397, 452, 506 r.w. 34 of the Indian Penal Code and he is sentenced to suffer following sentences.

a) For the offence punishable under Section 170 r.w. 34 of Indian Penal Code he is sentenced to suffer rigorous imprisonment for 01 (One) year.

b) For the offence punishable under Section 392 r.w. 397 r.w. 34 of Indian Penal Code he is sentenced to suffer rigorous imprisonment for 07 (Seven) years and also to pay fine of Rs. 5,000/-(Rs. Five Thousand Only), in default to suffer further rigorous imprisonment for 01 (One) month.

c) For the offence punishable under Section 452 r.w. 34 of Indian Penal Code he is sentenced to suffer rigorous imprisonment for 05 (Five) years and also to pay fine of Rs. 5,000/- (Rs. Five Thousand Only), in default to suffer further rigorous imprisonment for 01 (One) month.

d) For the offence punishable under Section 506(2) r.w. 34 of Indian Penal Code he is sentenced to suffer rigorous imprisonment for 02 (Two) years.

2) Accused No. 2 Furkan Yasin Fansopkar is hereby convicted under Section 235(2) of the Code of Criminal Procedure for the offence punishable under Section 392 r.w. 34 of the Indian Penal Code and he

is sentenced to suffer following sentence.

a) For the offence punishable under Section 392 r.w. 34 of Indian Penal Code he is sentenced to suffer rigorous imprisonment for 02 (Two) years and also to pay fine of Rs. 1,000/- (Rs. One Thousand Only), in default to suffer further rigorous imprisonment for 01 (One) month.

3) Accused No. 2 Furkan Yasin Fansopkar is hereby acquitted under Section 235(1) of Code of Criminal Procedure for the offence punishable under Section 170, 397, 452, 506 of the Indian Penal Code.

4) Accused No. 1 is in jail. Yesterday accused No.2 is taken in custody.

5) Period of detention undergone by both the accused may be set off under Section 428 of the Code of Criminal Procedure.

6) All the sentences shall run concurrently.

3 Learned Counsel for the applicant submits that the maximum sentence awarded to the applicant is two years. The Additional Sessions Judge was pleased to suspend the sentence till 18th January, 2025, on executing a PR bond bond in the sum of Rs.15,000/- with a surety in the like amount.

4 Learned APP, on instructions of Mr. S. M. Sawant, ASI, submits that the applicant is a habitual offender, in the sense, there are four offences registered against him at Ratnagiri City Police Station. First F.I.R. i.e. C.R. No. 168 of 2018 was registered on 17th June, 2018, for the offences punishable under Sections 122(A) and 122(E) of the Maharashtra Police Act; the second F.I.R. i.e. C.R. No. 169 of 2018 was registered on 17th June, 2018 for the offences punishable under Sections 461 and 380 of the Indian Penal Code; the third F.I.R. i.e. C.R. No.63 of 2019 was registered on 5th February, 2019, for the offences punishable under Sections 509, 504, 506, 507 of the Indian Penal Code and the fourth F.I.R. i.e. C.R. No. 21 of 2024 was registered on 16th January, 2024 for the offences punishable under Section 8 (C), 27, 29 of the Narcotic Drugs and Psychotropic Substances Act. All the aforesaid FIR's are registered at Ratnagiri City Police Station.

5 It is not the case of the prosecution that the applicant has been convicted in any of the offences stated herein-above or in the past.

6 Since the appeal is freshly filed, it will take substantial time to hear it finally. Therefore, in the interest of justice, the order of suspension of execution of sentence pending the appeal will continue to operate till the appeal is finally heard on merits.

7 The applicant shall furnish fresh P.B. and S.B. of the same amount before the Additional Sessions Judge, Ratnagiri.

8 Interim Application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]