

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1965 OF 2025
WITH
CRIMINAL APPEAL NO.559 OF 2025**

1. Sudesh Babu Shetty
2. Sonu Narayan Shetty alias Dinesh ...Applicants

In the matter between:-

1. Sudesh Babu Shetty
2. Sonu Narayan Shetty alias Dinesh ...Appellants

V/s.

The State of Maharashtra ...Respondent

Mr.Aadesh V. Konde-Deshmukh a/w Ms.Sampada S. Patil:-	Advocates for Applicants/ Appellants.
Mr.H.J.Dedhia:-	APP for Respondent – State.

CORAM : S. M. MODAK, J.

DATE : 16th JUNE 2025

P. C. :-

INTERIM APPLICATION NO.1965 OF 2025

1. Heard learned Advocate Shri.Konde-Deshmukh for the Appellants who are the Accused Nos.2 and 3. They have been

convicted for the offences punishable under Sections 65(e), 65(a) and 65(b) of the Maharashtra Prohibition Act, 1949 and under Section 353 read with 34 of the Indian Penal Code, 1860. The sentence is as follows:-

- (a) Rigorous imprisonment for 3 years and fine of Rs.50,000/- (Rupees Fifty Thousand). As on today, learned Advocate is not having instructions about payment of fine.
- (b) There is second sentence for the offence under Section 353 of IPC. It is rigorous imprisonment for 2 years and fine of Rs.25,000/- (Rupees Twenty Five Thousand) each. There are no instructions about deposit of fine. The Accused No.1 who died was acquitted.

2. **Admit the Appeal.**

3. **Call Record and Proceeding.**

4. Both the Appellants sought suspension of sentence from the trial Court. It is suspended. The allegations against them is, they obstructed the Police who went to the spot in search of contraband articles. They found the Accused No.1 and being annoyed, the present Appellants obstructed the Police in fulfilling their official duties, their sentence is already suspended. They assures to co-operate during hearing of the Appeal. They are permanent residents of Mumbai. Hence following

order:-

ORDER

(i) The substantive sentence of imprisonment is suspended during pendency of the Appeal subject to following conditions:-

- (a) They are released on bail on furnishing PB and SB of Rs.25,000/- (Rupees Twenty Five Thousand) each.
- (b) They are directed to deposit the amount of fine before the trial Court earlier to furnishing of bail, if not paid.
- (c) They are directed to give attendance to Nehru Nagar Police Station on 1st Monday of the month of July and 1st Monday of the month of November for a period of 2 years.
- (d) On the next date, fine receipts copies can be produced.

5. In view of the above, Interim Application stands disposed of.

6. Leave to amend the age of the Appellant No.1. Amendment to be carried out within one week.

[S. M. MODAK, J.]