



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 342 OF 2025 IN
CRIMINAL APPEAL NO. 183 OF 2025

Mushahiddin Najimuddin Vs 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

Mr. S.S. Malas, counsel for applicant/appellant.

Ms. Swati Kolhe, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/04/2025.

1. By preferring this application, the applicant is seeking suspension of sentence and releasing him on bail.
2. The appellant is convicted of the offence punishable under Section 366 of the Indian Penal Code, 1860, and sentenced to suffer simple imprisonment for three years and pay fine of Rs. 5000/-, in default of payment of fine simple imprisonment for five months. The appellant was also convicted for the offence punishable under Section 452 of the Indian Penal Code, 1860, and sentenced to suffer simple imprisonment for two years and pay fine of Rs.2,000/-, in default of payment of fine simple imprisonment for two months. The appellant is further convicted for the offence punishable under Sections 504 and 506 and sentenced to suffer simple imprisonment for two years and six months, respectively, and fine of Rs. 1000/- and 2000/-, respectively.

3. Being aggrieved and dissatisfied with the same, the present appeal is preferred by the appellant.

4. Heard learned counsel for the appellant, who submitted that the punishment imposed is of a limited period, the appeal would take its own time for its final disposal. In the meantime, if the sentence is executed, the appeal would become infructuous. From the impugned judgment, he has also pointed out that he has many arguable points in the present appeal, and therefore, he has every chance of success in the present appeal. In view of that, the execution of the sentence be suspended.

5. The learned APP strongly opposed the said application and submitted that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

6. On hearing both sides and on perusal of the impugned judgment, from which the learned counsel for the appellant has pointed out that he has many arguable points. Moreover, the punishment imposed is of a limited period. In the meantime, if the sentence is executed, the appeal would become infructuous. In view of that, prayer for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order.

a] The criminal application is **allowed**.

- b] The execution of the sentence passed in Sessions Case No. 142/2023 is hereby suspended till disposal of the appeal.
- c] The appellant shall be released on bail on executing P.R. Bond of Rs. 25,000/- with one surety of like amount.

7. The criminal application (APPA) No. 342/2025 is disposed of.

CRIMINAL APPEAL NO. 183 OF 2025

- 1. Heard.
- 2. **Admit.**
- 3. Learned APP waives service of notice on behalf of respondent/State.
- 4. Call for record and proceedings.
- 5. Appeal be listed before this Court for final disposal after preparation of paper-book.

[URMILA JOSHI-PHALKE, J.]