



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

CRIMINAL APPLICATION (APPA) NO. 494 OF 2025
IN
CRIMINAL APPEAL NO. 278 OF 2025

(Afi Khan s/o Ajaj Khan
Vs.
State of Maharashtra, Thr. PSO, PS Sitabuldi, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.K. Sathianathan, Advocate for the Applicant/Appellant.
Mr. C.A. Lokhande, APP for the Non-Applciant-Respondent/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JUNE, 2025

1. By this Application, the Applicant/Appellant seeking suspension of sentence and releasing him on bail.

2. Heard, learned Counsel for the Appellant, who submitted that one of the co-accused is already released on bail by suspending the sentence. Present Applicant is not identified during the identification parade. He has also pointed out that he as many arguable points in the present Appeal and the maximum sentence imposed is of rigorous imprisonment for five years. He was on bail during the trial. He has many arguable points in the present Appeal and also pointed out the same from the impugned judgment. In view of that, he prays for the suspension of sentence.

3. Learned APP for the Non-applicant/State, strongly opposed for the same and submitted that, considering the evidence on record the Appellant is convicted and Appeal itself is devoid of merits.

4. The Appellant was prosecuted for the offence punishable under Section 147, 148, 307 r/w 149, 324 r/w 149 of IPC. After appreciation of the evidence by the learned District Judge-7 and Additional Sessions Judge, Nagpur the Appellant held guilty for the offence punishable under Section 147 of IPC and sentenced to suffer rigorous imprisonment for 2 years and pay fine of Rs. 5,000/-, in default to suffer simple imprisonment for 4 months. He further convicted for the offence punishable under Section 148 of IPC and sentenced to suffer rigorous imprisonment for 3 years and pay fine of Rs. 5,000/-, in default to suffer simple imprisonment for 4 months. He also convicted for the offence punishable under Section 307 r/w 149 of IPC and sentenced to suffer rigorous imprisonment for 5 years and pay fine of Rs. 15,000/-, in default to suffer simple imprisonment for 4 months and also convicted for the offence punishable under Section 324 r/w 149 of IPC and sentenced to suffer rigorous imprisonment for 3 years and pay fine of Rs. 5,000/-, in default to suffer simple imprisonment for 4 months.

5. The Appellant was on bail during the trial. The learned Counsel for the Appellant has also pointed out from the impugned judgment that he has many arguable points in the present Appeal. He further submitted that, during the trial the present Appellant was not identified by the witnesses.

Thus, on the basis of the inconsistent evidence, the Trial Court has recorded the conviction. He further submitted that, punishment imposed is of a limited period.

6. Considering all the aspects pointed out by the learned Counsel for the Appellant and considering the fact that the Appeal would take its own time for its final disposal. Moreover, punishment imposed is of a limited period, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- i. Criminal Application (APPA) No. 494/2025, is hereby **allowed**.
- ii. The execution of the sentence passed in Sessions Case No.165/2005, is hereby suspended till the disposal of the Appeal.
- iii. The Appellant – Afi Khan s/o Ajaj Khan, shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

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1. Heard.
2. **Admit.**

3. Call R & P.

4. Appeal be listed for final argument after preparation of the Paper Book alongwith Criminal Appeal No. 262/2025.

(URMILA JOSHI-PHALKE, J.)

SD. Bhimte