



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

CRIMINAL APPLICATION [APPA] NO. 297 OF 2026

IN

CRIMINAL APPEAL NO. 191 OF 2026

Almas Khan Anwar Khan and Others

-- VERSUS --

The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Ayyub Amin, Advocate a/w. Mr. L.B. Khargade, Advocate
for the Applicants.

Mr. V.A. Thakre, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 18, 2026.

Heard.

2. Admit.

3. Learned A.P.P. waives service for the
respondent/State.

4. Call for Record and Proceedings.

CRIMINAL APPLICATION [APPA] NO. 297 OF 2026:-

1. Heard.

2. This is an application for suspension of
sentence.

3. The learned counsel for the applicants
submit that the applicants have preferred the appeal
against conviction. He further submits that the
applicants are convicted for the offence punishable

under Sections 307 read with 34 of the Indian Penal Code, 1860, and each of them is sentenced to suffer Rigorous Imprisonment (R.I.) for three years and to pay fine of Rs.1,000/- each and in default of payment of fine, suffer simple imprisonment for one month.

4. The learned counsel for the applicants submits that the delay in lodging the First Information Report has not been considered by the trial Court. Even the injuries sustained by the victim were of simple in nature. He further submits that the ingredients of Section 307 have not been fulfilled, and therefore, the trial Court has committed gross error in convicting the applicants. The applicants are having a good case on merits, and therefore, as the trial Court has suspended their sentence, this Court, may also suspend the sentence, considering the short-tem sentence.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that, after scanning the entire evidence, the trial Court has come to the conclusion that the applicants are guilty of the offence punishable under Section 307 read with Section 34 of IPC, and accordingly, three years sentenced was imposed. He further submits that, it is irrelevant what injury was caused when an offence under Section 307 is registered, and therefore, according to the learned A.P.P, the contentions raised

by the applicants are not having any merit, and therefore, the application be rejected.

6. I have considered the rival submissions. I have perused the judgment and order. Admittedly, it appears that, applicants were convicted for the offence punishable under Section 307 read with Section 34 of the IPC, and was sentenced to suffer rigorous imprisonment for three years. After considering the submissions and the record placed before me, it appears that the applicant is having good case on merits, I am inclined to suspend the sentence, considering the fact that the sentence is a short-term sentence. Hence, the following order:-

ORDER

(i) The Criminal Application [APPA] No.297/2026, is hereby **allowed**;

(ii) The substantive sentence awarded in Special Case No.157/2021, passed by the Additional Sessions Judge-1, Nagpur, is hereby suspended till disposal of the appeal;

(iii) The applicants – (i) Almas Khan Anwar Khan, (ii) Anwar Khan Sarwar Khan, (iii) Raees Anwar Khan, and (iv) Shaikh Irfan Shaikh Israiel, be released on bail on their furnishing a PR. bond of Rs.25,000/- (Twenty

Five Thousand Rupees) each with two solvent sureties in the like amount.

PIYUSH MAHAJAN

[M.M. NERLIKAR, J]