

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

917. CRI.APEAL/25/2015 WITH CRI.APPLN/165/2015

SHIVCHARAN @ SHIVA KISHANKASBE
V/S
THE STATE OF MAHARASHTRA

Mr. E.P. Savant h/f. Mr. M.P. Kale, Advocate for applicant.

Mr. M.M. Nerlikar, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 22nd January, 2015.

ORDER :

1. Notice in both the proceedings. The learned APP waives notice. The learned counsel for appellant is heard in appeal. Seen the reasoning given by the learned Additional Sessions Judge. The appeal is **admitted**. Notice after admission. It is waived by the learned APP.

2. Criminal Application No. 165/2015 is filed for suspension of substantive sentence. The appellant is convicted and sentenced for offences punishable under sections 448, 354 of I.P.C. and section 8 of Protection of Children from Sexual Offences Act. Maximum sentence of imprisonment of three years is given and fine is also imposed. A statement was made by the learned counsel for the applicant that during trial, applicant was on bail and after delivery of judgment, the learned Additional Sessions Judge has suspended the substantive

sentence. A statement was made that fine amount has been deposited.

3. In view of these circumstances, the application is allowed. Substantive sentence is suspended. The applicant is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand).

[T.V. NALAWADE, J.]

ssc/