

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 2396 of 2016
(In Criminal Appeal No. 285 of 2016)

District : Nanded

Mujib s/o. Babumiya Shahajor,
Age : 28 years,
Occupation : Service,
R/o. Sawargaon,
Taluka : Mukhed,
District : Nanded.

.. Applicant.

versus

The State of Maharashtra.

.. Respondent.

.....

Mr. Anil M. Gaikwad, Advocate, for the applicant.

*Mr. R.B. Bagul, Addl. Public Prosecutor, for
the respondent.*

.....

CORAM : SANGITRAO S. PATIL, J.

DATE : 3rd June 2016
(Summer Vacation)

PER COURT :

Heard the learned Counsel for the applicant
and the learned Addl. Public Prosecutor for the
respondent - State.

2. The learned Counsel for the applicant prays
for suspension of substantive sentence passed against

the applicant for the offence punishable under Section 7, read with Section 8 of the Protection of Children from Sexual Offences Act, 2012, for which he has been sentenced to suffer rigorous imprisonment for three years. He has been directed to pay compensation of Rs. 5,000/- which is already deposited before the trial Court.

3. The learned Counsel for the applicant submits that the original accused nos.1 and 2 have already been enlarged on bail by suspending the substantive sentences passed against them. The present applicant is the co-accused bearing No.3 in the said case. He, therefore, prays that the substantive sentence passed against the applicant may be suspended.

4. The present applicant and two others have been sentenced for the offence punishable under Section 7, read with Section 8 of the Protection of Children From Sexual Offences Act, 2012, on 31.03.2016, by the learned Addl. Sessions Judge, Biloli, in Sessions Case No. 13/2015. Two of the accused i.e. original accused nos.1 and 2, had filed Criminal Application No. 2181 of 2016 for suspension of their sentences and accordingly, the sentences imposed upon them have been suspended by this Court on 22nd April 2016. The applicant is hopeful of getting success in the appeal. He is entitled to get

the sentence suspended on the principle of parity.
Hence, the order :-

(a) The Application is allowed.

(b) The substantive sentence imposed upon the applicant for the offence punishable under Section 7, read with Section 8 of the Protection of Children From Sexual Offences Act, 2012, vide judgment and order dated 31.03.2016, in Sessions Case No. 13/2015, passed by the learned Addl. Sessions Judge, Biloli, is suspended, pending hearing and final disposal of Criminal Appeal No. 285 of 2016, on his executing personal bond in the sum of Rs. 15,000/- [Fifteen thousand] with a surety in the like amount.

(c) Bail bonds shall be furnished before the trial Court.

(d) The Application is accordingly disposed of.

(SANGITRAO S. PATIL)
JUDGE

.....