IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1088 OF 2016
IN
CRIMINAL APPEAL NO.657 OF 2016

Ramroop Ramdeo Pashi)...Applicant

v/s.

State of Maharashtra)...Respondent

Mr. Suresh Dubey, Advocate for the Applicant.

Ms. V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : P. N. DESHMUKH, J.

DATE : 6th OCTOBER 2016.

P.C. :

Issue notice to respondent. The learned APP accepts notice on behalf of respondent-State.

2 Heard learned counsel for applicant. He has prayed for suspension of sentence and has pointed out that though the learned Sessions Court in paragraph 37 of its judgment has clearly noted that the prosecution has failed to establish guilt of the accused for the offence punishable under Section 376 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012 had sentenced

applicant to suffer R.I. for three years and to pay fine of Rs.5,000/- in default to suffer S.I. for one month under Section 376 of the I.P.C.

3 I find substance in the contention of learned counsel for the applicant as aforesaid. On considering the relevant paragraph of the judgment as well as paragraph 1 of the operative part of the judgment, it is further noted that applicant is further convicted for the offence punishable under Section 366(A) of the I.P.C. and is sentenced to suffer R.I. for one year and to pay fine of Rs.500/- in default to suffer S.I. for 15 days on this count and further under Section 506(II) of the I.P.C. and sentenced to suffer R.I. for one year and to pay fine of Rs.500/- in default to suffer S.I. for 15 days. All the sentences are directed to run concurrently.

4 Considering the sentence imposed as aforesaid and as applicant was admittedly on bail pending the trial, application is liable to be allowed as per order below:

(1) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.20,000/- with one surety in the like amount or two sureties in the sum of Rs.10,000/- each.

(2) Applicant shall mark his presence with Parksite Police Station, Vikroli, Ghatkopar (West)

once in six months on the first day of such month, pending appeal.

(3) Applicant shall submit proof of his residence with the concerned Investigating Officer and shall update the same if required in future.

5 Application is allowed in above terms.

(P. N. DESHMUKH, J.)