

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1357 OF 2015

IN

CRIMINAL APPEAL NO.1055 OF 2015

MAHADEV GURLING KAMBLE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Shri Amol B. Patil, Advocate for the Applicant.

Smt.PPBhosale, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 29th FEBRUARY 2016.

P.C. :

1 The appeal filed by the applicant challenging his conviction and the sentences imposed upon him, has already been admitted. The applicant has been held guilty of offences punishable under Section 354A of the Indian Penal Code and the

offences punishable under Sections 10 and 12 of the Protection of Children from Sexual Offences Act (POCSO Act). The applicant has been sentenced to suffer Rigorous Imprisonment for 5 years and to pay a fine of Rs.5,000/- with respect to the offence punishable under Section 10 of POCSO Act and to suffer Rigorous Imprisonment for 1½ years and to pay a fine of Rs.5,000/- with respect to the offence punishable under Section 12 of the said Act. Apparently, no separate sentence has been awarded with respect to the offence punishable under Section 354A of the IPC. The substantive sentences have been made to run concurrently. By this application, the applicant prays that pending the hearing and final disposal of the appeal, the substantive sentences imposed upon him be suspended, and that, he be released on bail.

2 I have heard Shri Amol B. Patil, the learned counsel for the applicant. I have heard Smt.P.P.Bhosale, the learned APP for the State. With their assistance, I have gone through the evidence adduced during the trial, copies of the notes of evidence having been annexed to the present application.

3 After considering the matter from all the angles, I do not think it fit to suspend the substantive sentences imposed upon the applicant. However, keeping in mind that the applicant is in custody since 13th April 2014, I am inclined to grant an opportunity to the applicant to seek suspension of sentence afresh, in the event of the appeal not being taken up for final hearing within a reasonable time.

4 The application is rejected.

 However, the hearing of the appeal is ordered to be expedited.

5 Liberty to the applicant to apply afresh for suspension of substantive sentences and his release on bail pending the hearing and final disposal of the appeal, in the event of the appeal not being taken up for final hearing by 30th September 2016.

6 The application is disposed of accordingly.

(ABHAY M. THIPSAY, J.)