

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

Criminal Application [APPA] No.328 of 2016

in'

Criminal Appeal No.137 of 2016

(Nayamu s/o Amir Sheikh

vs.

The State of Maharashtra, through P.S.O. Gondia)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri C.R. Thakur, Advocate for the Applicant.

Mrs. Ketki Joshi, A.P.P. for the Non-Applicant/State.

CORAM : N.W. SAMBRE, J.

DATE : 21st JULY, 2016.

Heard the learned Counsel for the applicant.

This is an application for suspension of sentence
and grant of bail.

The learned Special Judge, Gondia in Sessions
Trial No.79/2013 on 31/03/2016 delivered the following
verdict against the present applicant :

1. *The accused Nayamu s/o Amir Sheik, aged about 52 years, resident of Butai No.2, Tahsil Arjuni-Morgaon and District Gondia is hereby convicted as per Section 235(2) of the Code of Criminal Procedure for offence punishable 354(b) of the Indian penal Code and he is sentenced to suffer R.I. for five years and to pay find of Rs.1,000/-. In default to pay fine, S.I. for one month.*

2. *The accused is further convicted for the offence punishable under section 506 of the Indian Penal Code and he is sentenced to suffer R.I. for one year and to pay fine of Rs.500/-. In default to pay fine, S.I. for fifteen days.*
3. *The accused is further convicted for the offence punishable under section 342 of the Indian Penal Code and he is sentenced to suffer R.I. for one year and to pay of fine of Rs.500/-. In default to pay fine, S.I. for fifteen days.*
4. *The accused is further convicted for the offence punishable under section 7 read with section 8 of the Protection of Children from Sexual Offences Act and he is sentenced to suffer R.I. for four years and to pay of fine of Rs.1,000/-. In default to pay fine, S.I. for one month.*
5. *The accused is entitled to get set off for the period already undergone in jail as per section 428 of the Code of Criminal Procedure.*
6. *All the sentences of the accused shall run concurrently.*
7. *The accused is directed to surrender his bail bonds and he be taken in custody forthwith to serve out the sentences.*
8. *Muddemal properties be destroyed, being worthless, after appeal period is over.*
9. *Copy of the judgment be supplied to the accused free of costs.*
10. *The judgment is dictated and pronounced in open court.*

The maximum punishment awarded for an offence punishable under Section 354-B of the Indian Penal Code is five years along with the conviction in other offences.

It is brought to my notice that the appellant was on bail during trial.

Having heard the learned Counsel for the applicant and the learned A.P.P. for the State, it is required to be noted that the medical evidence, particularly the record from the Rural Hospital, Arjuni-Morgaon and the other incriminating material as is sought to be proved during the trial, requires to be regone and reappreciated.

In view thereof, the application is allowed.

The substantive sentence imposed upon the applicant is suspended during pendency of the appeal.

The applicant be released on bail on the same terms and conditions, on which he was relied by the trial court, on executing fresh bail bonds.

The applicant shall attend the concerned Court once in every three months.

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare Uploaded on : 22/07/2016
P.A. to the Hon'ble Judge.