

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 53 OF 2017

IN

CRIMINAL APPEAL NO. 10 OF 2017

MR. SANTOSH SAHADEV KHAJNEKAR., ... Applicant
Versus
STATE, THR. MAPUSA POLICE STATION,
MAPUSA AND ANR., ... Respondents

Adv. Nilesh V. S. Shirodkar for the Applicant.
Mr. S.R. Rivankar, Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 16th February, 2017

P.C.:

This is an application for suspension of sentence.

2. The applicant has been convicted for the offence punishable under sections 323, 352 and 504 of I.P.C. and under section 2(m)(i) r/w section 8(2) of the Goa Children's Act, 2003. The applicant has been sentenced to undergo imprisonment for a period of 6 months for offence punishable under section 323 of I.P.C. He has been sentenced to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for 2 days for the offence punishable under section 352 of I.P.C. For the offence punishable under section 504 of I.P.C the applicant has been sentenced to undergo simple imprisonment for a term of 10

months and finally for the offence punishable under section 8(2) of the Goa Children's Act, 2003 the applicant has been sentenced to undergo rigorous imprisonment for a term of one year and to pay fine of Rs.1,00,000/- and in default to undergo simple imprisonment for 6 months.

3. The learned Children's Court has granted suspension of sentence till 20/2/2017.

4. The prosecution case is that the applicant had assaulted the victim a boy aged 9 years with a school bag.

5. The applicant was all along on bail during the course of the trial. Normally in such circumstances this Court would have suspended the substantive sentence of imprisonment subject to deposit of the fine amount. However, in the present case it is pointed out by the learned counsel for the applicant that the petitioner is working as a mason and has dependent family members. The applicant was on legal aid before the Children's Court and he submits that the applicant is unable to deposit the entire amount of fine. The learned counsel submits that he applicant will deposit Rs.25,000/- (Rupees twenty five thousand only) within six weeks from today. The statement is accepted. In such circumstances, the following order is passed:

ORDER:

- (i) The substantive sentence of imprisonment is suspended on the condition of the applicant furnishing a personal bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (ii) The applicant shall deposit Rs.25,000/- before the Children's Court within six weeks from today.
- (iii) The Bail Bond to be furnished before the Children's Court.

C. V. BHADANG, J.

ap/-