

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1060 OF 2017
IN
CRIMINAL APPEAL NO.632 OF 2017**

Imtiyaz Ahmed Saeed Ahmed Shaikh	...Applicant
Versus	
The State of Maharashtra.	...Respondents

.....

Ms. Tahera R. Qureshi for the Applicant.
Mr. Rajan Salvi, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 10th AUGUST, 2017.

P.C.:-

1. By this application, the applicant has sought suspension of execution of sentence pending the hearing and final disposal of the appeal.

2. Heard the learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions.

3. The Applicant herein was the accused in Special (POCSO) Case No.25 of 2014 by judgment dated 16th June, 2017 passed by the Special Judge, Thane. The Applicant/Accused has been held guilty of offence under Section 354(A) of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012. He has been sentenced to undergo maximum imprisonment of three years and to pay fine of Rs.5,000/-.

4. The learned Counsel for the Applicant/Accused submitted that the fine amount has already been deposited before the Special Court, Thane. The Applicant was on bail pending trial. There is nothing to indicate that he had violated the terms and conditions of the bail. It is also to be noted that the Applicant/Accused has been sentenced to undergo maximum imprisonment of three years. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for final hearing at least in next couple of years. Hence, rejection of prayer to suspend the execution of sentence will result in the applicant undergoing the imprisonment even before his Appeal is decided on merits. Considering the above facts and circumstances, the application is allowed on following terms:-

ORDER

- (i) The Application is allowed.
- (ii) The execution of substantive sentence in Special (POCSO) Case No.25 of 2014 is suspended till the disposal of the Appeal on merits.
- (iii) The Applicant shall furnish bail bond of Rs.15,000/- (Rs. Fifteen thousand only) with one surety to the like amount to the satisfaction of the Special (POCSO) Court, Pune.

- (iv) The Applicant shall furnish his permanent as well as local address, if any, and shall intimate change of address, if any, to the Investigating Officer, as well as to the concerned Court;
- (v) The Applicant shall not interfere with the victim in any manner.

(ANUJA PRABHUDESSAI, J.)