

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

**CRIMINAL APPLICATION NO.1181 OF 2017
IN
CRIMINAL APPEAL NO.702 OF 2017**

Ravindar @ Devendra Ramsudan
Pratap

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. B.H. Goswami for the Applicant.

Mrs. M.R. Tidke, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 23rd AUGUST, 2017.

P.C.:-

By this application, the Applicant herein has sought suspension of execution of sentence imposed vide judgment dated 24th July, 2017 passed in Special Case (POCSO) No.235 of 2015 on the file of the learned Special Judge, Thane.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The Applicant herein was tried for the offence punishable under Section 354 of the IPC and Section 7 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act'). By judgment dated 24th July, 2017 the Applicant has been held guilty of the offence punishable under Section 354 of the IPC and sentenced to suffer simple imprisonment for one year and to pay fine amount of Rs.1,000/- i/d. to undergo simple imprisonment for two months. The Applicant has been acquitted of offence under Section 7 of the POCSO Act.

4. The learned counsel for the Applicant submits that the Applicant has already deposited fine amount of Rs.1,000/-. He further submits that the Applicant was on bail during pendency of the case. There is nothing on record to indicate that the Applicant has violated terms and conditions of bail. Moreover, the Applicant is sentenced to suffer short term imprisonment of one year. The Appeal is of the year 2017. Considering the large pendency of the cases, the Appeal is not likely to come up for hearing in the next couple of years. Rejecting the prayer of the Applicant for suspension of sentence pending Appeal will result in the Applicant undergoing the imprisonment even before his Appeal is heard on merits. Considering this fact as well as the nature

of offence and the evidence in support thereof, following order is passed :

ORDER

- (i) The application is allowed in terms of prayer clause (a);
- (ii) Execution of substantive sentence imposed on the Applicant in Special Case (POCSO) No.235 of 2015 vide judgment and order dated 24th July, 2017 passed by the learned Special Judge, Thane, is suspended till the disposal of the Appeal on merits subject to the Applicant furnishing bail bonds of Rs.15,000/-(Rupees Fifteen Thousand only) with one solvent surety to the like amount to the satisfaction of the Special Judge, Thane;
- (iii) The Applicant shall furnish his contact number and 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;
- (iv) The Applicant shall not interfere with the victim in any manner.

(ANUJA PRABHUDESSAI, J.)