

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

**CRIMINAL APPLICATION NO.1295 OF 2017  
IN  
CRIMINAL APPEAL NO.764 OF 2017**

Pankaj Ramsevak Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ram Mani Upadhyay for the Applicant.

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 30<sup>th</sup> NOVEMBER, 2017.**

**P.C.:-**

The Applicant herein was an accused in Special POCSO Case No.209 of 2016. He has been convicted of offence punishable under Section 8 of Protection of Children from Sexual Offences Act and sentenced to undergo simple imprisonment for a period of three years with fine of Rs.500/- i/d. simple imprisonment for six months. The Applicant is also convicted for offence under Section 354 of the IPC and sentenced to undergo imprisonment till rising of the Court and to pay fine of Rs.500/- i/d. to suffer simple imprisonment for six months. The Applicant has challenged his conviction and sentence in the appeal and by this application he has sought suspension of execution of

sentence pending hearing of the Appeal.

2. Heard Mr. Ram Mani Upadhyay, learned counsel for the Applicant and Mrs. M.R. Tidke, learned APP for the Respondent -State.

3. Case of the prosecution in brief is that on 9.11.2014 at 9.30 p.m. at Mira Road the Applicant herein committed sexual assault on a minor girl. Upon considering the evidence adduced by the prosecution the learned Special Judge, POCSO Act, has held the Applicant guilty of the said offence and convicted him as stated above.

4. By the impugned judgment the Applicant has been sentenced to undergo a short term imprisonment for a period of three years. The Appeal is of the year 2017. Considering the large pendency the cases, the appeal is not likely to come up for final hearing in the next couple of years. Rejecting the prayer for suspension of sentence pending disposal of the appeal, will result in the Applicant undergoing the entire term of imprisonment even before his appeal is heard on merits. The Applicant was on bail during the pendency of trial and there is nothing on record to indicate that he had violated the terms and conditions of the bail. Considering the above facts so also the nature of charge and evidence in support thereof, this is a fit case for

suspension of execution of sentence pending the Appeal. Hence, following order is passed:-

(I) Application is allowed.

(II) The execution of substantive sentence imposed on the Applicant vide judgment dated 14<sup>th</sup> July, 2017 in Spl. POCSO No.209 of 2016 by the learned Additional Sessions Judge-5 and Special Judge, POCSO, Thane, is hereby suspended pending hearing of the Appeal subject to the Applicant furnishing bail bonds of Rs.20,000/- with one or two sureties to the like amount to the satisfaction of Additional Sessions Judge-5 and Special Judge, POCSO, Thane.

(III) The Applicant shall furnish his contact number as well as permanent and temporary address, if any, and shall intimate change of address, if any, to the Investigating Officer and to the concerned Court.

(IV) The Applicant shall not interfere with the victim in any manner.

5. All concerned to act upon an authenticated copy of this order.

**(ANUJA PRABHUDESSAI, J.)**