

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

**CRIMINAL APPLICATION NO. 1345 OF 2017
IN
CRIMINAL APPEAL NO. 793 OF 2017**

Shankar Jivaram Prajapati

....Applicant

Versus

The State of Maharashtra (Through Wakad
Police Station)

....Respondent

Mr. Tapan Thatte for the applicant.

Mr. P.H. Gaikwad, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 05th OCTOBER, 2017

P.C. :

1. The applicant herein was an accused in Special Sessions Case No. 97 of 2016 on the file of District Judge-2 and Additional Sessions Judge, Pune. By this application, the applicant herein has sought suspension of execution of sentence imposed vide judgment dated 23rd August, 2017 in the said case and has prayed for release on bail.

2. Heard the learned counsel for the applicant and the learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsels for the respective parties.

3. The applicant herein was prosecuted for offences under Section 354 of the Indian Penal Code and Section 8 of the Protection of

Children from Sexual Offences (POCSO) Act, 2012. By judgment dated 23rd August, 2017, the applicant has been held guilty for offence under Section 8 of the POCSO Act. He has been sentenced to suffer rigorous imprisonment for three years and also directed to pay fine of Rs.7,000/- in default to suffer further rigorous imprisonment for six months. No separate sentence has been passed in respect of offence under Section 354 of the Indian Penal Code.

4. The records reveal that the applicant has been sentenced to undergo short term imprisonment of three years. The appeal is of the year 2017 and is not likely to come up for final hearing in the next couple of years due to large pendency of old cases. Hence, rejection of the application will result in the applicant undergoing the sentence of imprisonment even before the appeal is heard on merits.

5. The applicant was on bail during the pendency of the Special Sessions Case No. 97 of 2016. There is nothing on record to indicate that the applicant has violated the terms and conditions of the order.

6. Considering the aforesaid facts, as well as the nature of allegations levelled against the applicant, in my considered view, this is a fit case to suspend the execution of sentence pending the disposal of the appeal on merits. Hence, the order :-

- (i) The Criminal Application No.1345 of 2017 is allowed.
- (ii) The execution of sentence imposed in Special Sessions Case No.

97 of 2016 vide judgment dated 23rd August, 2017 is suspended till disposal of the appeal on merits, subject to the applicant furnishing fresh bail bond of Rs.15,000/- (Rupees Fifteen Thousand) with one or two solvent sureties in the like amount, to the satisfaction of District Judge-2 and Additional Sessions Judge, Pune.

(iii). The applicant shall not interfere with the victim in any manner.

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

(v). All concerned to act on an authenticated copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)