

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

CRIMINAL APPLICATION NO. 1416 OF 2017
and
CRIMINAL APPLICATION NO. 1417 OF 2017
IN
CRIMINAL APPEAL NO. 855 OF 2017

Kalam Iqbal Idrisi

..Applicant/ Appellant

v/s.

The State of Maharashtra

..Respondents

Mr. Vasant Ghorpade for the Applicant.

Mr. Prashant Jadhav APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 07, 2017.**

P.C.

1. The applicant herein was an accused in POCSO Special Case No. 116 OF 2014 on the file of the Addl. Sessions Judge, Sessions Court, Gr. Bombay. By these applications, the applicant has sought suspension of execution of sentence imposed vide judgment dated 16th August, 2017 in the said special case and 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 records reveal that the applicant herein was prosecuted for offence under Section 354(D) of I.P.C. and under Section 12(iv) of the Protection of Children from Sexual Offenders (POCSO) Act, 2012. By judgment dated 16th August, 2017 the learned Judge convicted the applicant has been held guilty for the aforesaid offences and sentenced to under go rigorous imprisonment for six months each in respect of the Offence under Section 354(D) of IPC and Section 12 of the POCSO Act, in addition of fine of Rs.1000/- eaech in respect of both the offences, in default simple imprisonment for one month. The learned Counsel for the applicant submits that the fine amount has been already deposited by the applicant before the Sessions Court.

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. Considering the above facts as well as the nature of the charges and the evidence in support thereof, in my considered view this is a fit case for suspending the execution of sentence pending disposal of

appeal on merits. Hence the order,

- i) The application is allowed.
- ii) The execution of sentence imposed vide judgment dated 16th August, 2017 in POCSO Special Case No. 116 OF 2014 on the file of the Addl. Sessions Judge, Sessions Court, Gr. Bombay is suspended till disposal of the appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.10,000/- with one solvent sureties in the like amount, to the satisfaction of the Addl. Sessions Judge, Sessions Court, Gr. Bombay.
- iii) The applicant shall not interfere with the victim girl in any manner.
- iv) The applicant shall furnish his local as well as permanent address, if any, and his contact number, to the Investigating Officer as well as in the fresh bail bonds.

. Both the applications are accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)