

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

CRIMINAL APPLICATION NO. 1476 OF 2017
IN
CRIMINAL APPEAL NO. 886 OF 2017

Popat Vitthal Munjal

..Applicant/Appellant

v/s.

The State of Maharashtra

..Respondent

Mr. Aniket Nikam with Piyush Toshniwal i/b. Ashish Satpute for the
Applicant/Appellant.

Ms. N.S.Jain, APP for the Respondent-State.

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

P.C.

1. The applicant herein was an accused in Special Case No. 23 of 2014 on the file of the Special Judge under POSCO Act, Pune. By this application, the applicant has sought suspension of execution of sentence imposed vide judgment and order dated 31st August, 2017 in the said special case and has prayed for enlarge 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 354A and 506 of IPC and Section 8 of the Protection of Children from Sexual Offenders (POCSO) Act, 2012. The learned Special Judge after considering the evidence on record has held the applicant guilty of the offences and sentenced him to undergo rigorous imprisonment of six months and fine of Rs.1000/- each in default r.i. for one month in respect of each of the offence under Section 354A and 506 IPC. The applicant is also held guilty under Section 8 of POSCO Act, and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment for three months.

4. The learned Counsel for the applicant has submitted that the applicant has already deposited the fine amount. 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. It is to be noted that the applicant was on bail during pendency of the trial. There is nothing on record to indicate that the applicant

has violated the terms and conditions of the order.

6. Considering the above facts, as well as the nature of the charge and the evidence thereof, 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 application is allowed.
- ii) The execution of sentence imposed vide judgment dated 31st August, 2017 in Special Case No. 23 of 2014 on the file of the Special Judge under POSCO Act, Pune, is suspended till disposal of the appeal on merits, on the applicant furnishing fresh bail bond in the sum of Rs.20,000/- with one solvent surety in the like amount, to the satisfaction of the Special Judge under POSCO Act, Pune
- 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.

. Application is accordingly disposed of.

(ANUJA PRABHUDESSAI, J.)