

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

**CRIMINAL APPLICATION NO.1483 OF 2017
IN
CRIMINAL APPEAL NO.888 OF 2017**

Vikrant Narayan Salvi
Versus

...Applicant

The State of Maharashtra

...Respondent

.....

Mr. Ashish S. Sawant for the Applicant.

Mr. M.G. Patil, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th NOVEMBER, 2017.

P.C.:-

By this application the Applicant has sought to suspend execution of substantive sentence imposed vide judgment dated 28th August, 2017 passed by the Additional Sessions Judge-1, Vasai in POCSO Special Case No.35 of 2014.

2. The case of the prosecution in brief was that on 10th April, 2014 the Applicant herein had outraged the modesty of the victim and thus committed criminal offence. The crime was registered pursuant to the FIR lodged by the victim girl. Upon completion of the investigation charge sheet was filed before the Special Court and upon considering

the evidence on record the learned Special Judge, Vasai has held the Applicant guilty of offence under Section 12 of Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000 i/d. to suffer rigorous imprisonment for six months. The Applicant is also convicted under Section 342 of the IPC and has been sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/- i/d. to suffer rigorous imprisonment for one month.

3. Mr. Ashish Sawant, the learned counsel for the Applicant submits that the Applicant was on bail during the pendency of trial and that he has not violated the terms and conditions of the bail. The learned counsel for the Applicant further undertakes to deposit fine amount within a period of two weeks. Statement is accepted.

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 of 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. Considering the above facts and circumstances and so also the nature of charge and evidence in support thereof, in my considered view this is a fit case for suspension of execution of substantive sentence pending hearing and final disposal of the Appeal. Hence, following order is passed :-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed on the Applicant vide judgment dated 28th August, 2017 in POCSO Special Case No.35 of 2014 by the learned Additional Sessions Judge-I, Vasai, is suspended till the final disposal of the Appeal subject to the Applicant furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand only) with one surety to the like amount to the satisfaction of the learned Additional Sessions Judge-1, Vasai;
- (iii) The Applicant to deposit the fine amount within a period of two weeks from today before the learned Additional Sessions Judge-1, Vasai;
- (iv) 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;

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

(ANUJA PRABHUDESSAI, J.)