

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPA) NO.150 OF 2017

IN

CRIMINAL APPEAL NO.82 OF 2017

Balram s/o Chandrabhan Rahile

..VS..

State of Maharashtra, through Police Station Officer Gondia City, Police Station,
Gondia City, Tahsil Gondia, District Gondia

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Ms S.B. Khobragade, Counsel for the applicant.
Shri P.S. Tembhare, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.

DATED : APRIL 3, 2017.

Heard.

This is an application for suspension of substantive sentence imposed upon applicant by learned Special Judge, Gondia contending that accused was on bail, pending Trial and had not misused liberty granted to him in any manner. It is further contended that even according to medical certificate, no case is made out against applicant and it is, therefore, prayed that application be allowed.

By impugned judgment, applicant is found convicted for the offences punishable under Sections 354(A), 354(B), and 506(2) of the Indian Penal Code and under Section 7 read with Section 8 of the

Protection of Children from Sexual Offences Act, 2012 and is further convicted for the offence punishable under Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Maximum sentence imposed upon applicant is under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act for which he is sentenced to suffer rigorous imprisonment for four years and to pay a fine of Rs.1,000/- in default, to suffer further simple imprisonment for two months.

Learned counsel for the applicant states that entire fine amount is paid.

Considering fact that applicant was on bail, pending Trial and from the medical certificate placed on record below Pursis as it is found that no injuries were noted on face, checks, and chest or any other part of body of prosecutrix and as it appears to be the case of prosecution that applicant had committed assault on minor girl on her mouth, chest while in the medical certificate since it is specifically stated that no injuries were found on the face, chest, and, checks of the prosecutrix, application is liable to be allowed, as even otherwise applicant is found imposed with short sentence. Hence, the following order.

Application is allowed.

Applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.20,000/- with

one surety in the like amount.

Applicant shall attend Police Station Gondia City, Tahsil Gondia, District Gondia quarterly on the first day of each such month, pending appeal.

Applicant shall submit proof of his residence with the investigating officer and shall update the same in the event of change in future.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- ../3/2017