

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

CRIMINAL APPEAL NO.95 OF 2017

Akabar Sherkha s/o Chhotukhan Pathan

..VS..

**State of Maharashtra, through Police Station Officer, Police Station Allipur,
Tahsil Hinganghat, District Wardha**

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

Court's or Judge's Order

Shri R.M. Patwardhan, Counsel for the appellant.
Shri P.S. Tembhare, Addl.P.P. for the State.

**CORAM : P.N. DESHMUKH, J.
DATED : APRIL 3, 2017.**

Heard.

Issue notice to the respondent.

Learned Additional Public Prosecutor
waives notice on behalf of the respondent/State.

ADMIT.

Call record and proceedings.

Criminal Application (APPA) No.177 of 2017

Heard.

This is an application for suspension of
substantive sentence imposed upon applicant and for

bail contending that applicant was on bail, pending Trial and has not misused liberty in any manner. It is further contended that applicant came to be taken into custody on the day of judgment and as such is unable to make payment of fine amount and further undertakes to pay the same in the event, application is allowed.

Considering fact that applicant was on bail, pending Trial and is found convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and is sentenced to suffer rigorous imprisonment for four years and to a pay fine of Rs.10,000/-, in default, to suffer rigorous imprisonment for nine months, application is liable to be allowed subject to applicant's making payment of full fine amount, as per the order below:

Subject to payment of fine, substantive sentence imposed upon applicant shall stand suspended and applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

Applicant shall attend Police Station Allipur, Tahsil Hinganghat, District Wardha 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.

Application stands allowed on above terms.

JUDGE

!! BRW !!