

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

CRIMINAL APPEAL NO. 325 OF 2017

WITH

CRIMINAL APPLICATION (APPA) NO. 542 OF 2017

(Sukhdeo Raghunath Shende..vs..Stte of Maharashtra, through PSO.Salekasa,P.S.Gondia.)

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

Court's or Judge's orders.

Shri Mir Nagman Ali, Advocate for appellant-applicant.
Shri Damle, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 17 , 2017

Heard learned advocate for appellant-applicant.

Admit.

The learned A.P.P. waives the service of notice on
behalf of respondent-non-applicant.

MISC.CRIMINAL(APPA) APPLICATION NO.542 OF 2017

This is an application for suspension of substantive
jail sentence and for grant of bail.

Heard learned counsel for applicant and learned
A.P.P. for State.

The applicant is convicted by Special Judge,
Gondia on 08/6/2017 in Special (POCSO) Case No. 2/2016
for the offence punishable under Sections 8 of the Protection
of Children from Sexual Offences Act and sentenced to
suffer R.I. for three years and to pay fine of Rs. 2,000/- and in

default of payment of fine amount further to suffer S.I.for Six months.

The learned counsel for applicant submits that the entire fine amount is already deposited. He also submitted that after the judgment and order of conviction , the learned Court below has exercised the powers under Section 389(3) of Cr.P.C. and suspended the jail sentence in order to approach and prefer appeal before this Court.

All statements are accepted. Hence, the following order.

ORDER

- I) Criminal Application No.542/2017 is allowed.
- II) The substantive jail sentence imposed upon the applicant in Special (POCSO) Case No. 2/2016 by learned Special Judge,Gondia dated 08/6/2017 shall remain suspended during the pendency of the appeal.
- III) The applicant-appellant be released on bail on his executing fresh bail bonds of same amount.
- IV) The applicant shall not cause any threats to the victim.
- V) The applicant shall remain present personally before this Court at the time of final hearing of this appeal.

- V) With this the application is disposed of accordingly.

JUDGE

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