

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

CRIMINAL APPEAL NO.340 OF 2017

Sandip s/o Pandurangji Sarware

..vs..

The State of Maharashtra, through Police Station Officer Paratwada, Tahsil
Achalpur, District Amravati

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

Court's or Judge's Order

Shri Mahesh Rai, Counsel for the appellant.
Shri I.J. Damle, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 25, 2017.

Heard learned counsel Shri Mahesh Rai for the
appellant.

ADMIT.

Learned Additional Public Prosecutor Shri
Mahesh Rai waives service.

Criminal Application (APPA) No.575 of 2017

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

The applicant though was acquitted by learned
Additional Sessions Judge, Achalpur for the offence punishable
under Section 12 of the Protection of Children from Sexual

Offences Act, 2012 in Special POCSO Case No.136 of 2015, he was convicted for the offence punishable under Section 448 of the Indian Penal Code and directed to suffer simple imprisonment for a term of one month and to pay a fine of Rs.500/-. He was also convicted for the offence punishable under Section 354A of the Indian Penal Code and directed to suffer rigorous imprisonment for a term of three months and to pay a fine of Rs.500/-.

Learned counsel Shri Mahesh Rai for the applicant submits that the applicant has already paid fine amount and the Trial Court has already suspended the substantive jail sentence imposed upon the applicant in order to give an opportunity to the applicant to approach this Court.

Looking to the quantum of punishment, I pass the following order :

ORDER

- i) The criminal application is allowed.
- ii) Substantive jail sentence, imposed upon the applicant by learned Additional Sessions Judge, Achalpur in Special POCSO Case No.136 of 2015, shall remain suspended during the pendency of the present appeal.
- iii) The applicant shall remain personally present

before this Court at the time of final hearing.

**iv) With this, the criminal application is allowed
and disposed of.**

JUDGE

!! BRW !!