

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

CRIMINAL APPEAL NO. 346 OF 2017
WITH
CRIMINAL APPLICATION (APPA) NO.582 OF 2017

(Vinod Abhimanji Junghare .vs.. State of Maharashtra, through PSO.PS.Seloo,Tahsil Seloo,District-Wardha)

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

Court's or Judge's orders.

Shri R.R.Vyas, Advocate for appellant.
Shri N.B.Jawade, A.P.P. for State.

CORAM : V.M. DESHPANDE, J.
DATED : JULY 27, 2017

Heard learned counsel for appellant.

Admit.

The learned A.P.P. for State waives the service of
notice on behalf of State.

CRIMINAL APPLICATION (APPA) NO.582 OF 2017

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

By this application, the applicant is seeking
suspension of substantive jail sentence imposed upon him by
Special Judge, Wardha on 4/7/2017 in Special(Ch.)Case
No.67/2014 by which the learned Special Judge,Wardha
convicted the applicant for the offence punishable under
Section 354(A)(i) of the Indian Penal Code and directed to
suffer R.I. for one year and to pay fine of Rs. 200/- and in
default of payment of fine amount, further to suffer S.I. for 8
days. He is also convicted for the offence punishable under

Section 8 of the Protection of Children from Sexual Offences Act, 2012 and on that count he is sentenced to suffer R.I. for three years and to pay fine of Rs. 300/- and in default of payment of fine amount, further to suffer S.I. for 10 days.

The learned counsel for applicant submits that after the impugned order, application was moved before the Court below and learned Court below has suspended the substantive jail sentence in order to give opportunity to approach this Court. He further submitted that the entire fine amount is already deposited and the applicant was on bail during the course of trial. All statements made by the learned counsel for applicant are accepted.

Looking to the quantum of jail sentence and looking to the fact that it will not be possible for this Court to take up present appeal for final hearing in near future, the application is allowed. The substantive jail sentence passed against the present applicant shall remain suspended during the pendency of the present appeal.

The applicant be released on bail on his execution of fresh bail bond of the same amount.

The applicant to remain present personally before this Court at the time of final hearing of the appeal.

With this the application is disposed of as allowed.

JUDGE