

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

CRIMINAL APPLICATION [APPA] NO.768 OF 2017

IN

CRIMINAL APPEAL NO.459 OF 2017

[Rama s/o Mukundrao Dhote .vs. State of Maharashtra]

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

Court's or Judge's orders

CORAM : KUM. INDIRA JAIN, J.

DATED : OCTOBER 06, 2017.

Heard Shri A.K. Bhangde, learned counsel for applicant-appellant and Shri N.H. Joshi, learned APP for respondent-State.

By this application, applicant is seeking suspension of substantive sentence of imprisonment imposed by the learned Additional Sessions Judge, Nagpur vide judgment and order dated 29.8.2017 in Special Child (POCSO) Case No.23/2014.

By the said judgment and order, applicant has been convicted of the offences punishable under sections 448 and 354-A of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 and also under section 3 (1) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The maximum sentence of imprisonment imposed by the trial court is to the extent of three years. Applicant was on bail during trial.

Considering the short term sentence imposed by the trial court and the fact that he was

on bail during trial, this court is inclined to allow the application. Hence, the following order.

ORDER

(i) Criminal Application No.768/2017 is allowed.

(ii) The execution of substance sentence of imprisonment is suspended during the pendency of appeal on applicant's furnishing PB & SB of Rs.15,000/- to the satisfaction of the trial court.

JUDGE

Gulande