

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

CRIMINAL APPLICATION [APPA] NO.787 OF 2017

IN

CRIMINAL APPEAL NO.468 OF 2017

[Jayant s/o Bija Wat .vs. State of Maharashtra, through PSO, PS, Ashti, Tahsil-Chamorshi,
District-Gadchiroli]

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 12, 2017.

Heard Shri V.N. Morande, learned counsel for applicant-appellant and Smt. Shamsi Haider, learned APP for respondent-State.

This is an application under Section 389 of the Criminal Procedure Code for suspension of substantive sentence of imprisonment awarded vide judgment and order dated 23.8.2017 by the learned Additional Sessions Judge, Gadchiroli in POCSO Case No.23/2016. Applicant is convicted of the offences punishable under sections 341, 342, 323, 506 and 354 of the Indian Penal Code, so also under section 12 of the POCSO Act.

It is apparent from the order passed by the learned Additional Sessions Judge that no sentence has been awarded for the offence under the POCSO Act. The maximum sentence imposed against the accused in respect of the offences under the Indian Penal Code is six months.

Considering the short term sentence and as applicant was on bail during trial, this court is

inclined to allow the application. Hence, the following order.

ORDER

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

(ii) Criminal Application No.787/2017 is allowed in the above terms.

JUDGE

Gulande