

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

CRIMINAL APPLICATION [APPA] NO.912 OF 2017
IN
CRIMINAL APPEAL NO.538 OF 2017

(Uttam Chandrabhan Gadge

vs.

The State of Maharashtra, through P.S.O. Warud, Amravati)

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

Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.

DATE : 20th NOVEMBER, 2017.

Heard Shri Y.B. Mandpe, learned Counsel for the applicant and Mrs. H.N. Prabhu, learned A.P.P. for the State.

By this application under Section 389 of the Code of Criminal Procedure, applicant-accused is seeking suspension of substantive sentence of imprisonment awarded by learned Additional Sessions Judge-3, Amravati vide judgment and order dated 17/08/2017 passed in S.T. (POCSO) Case No.291/2014. By the said judgment and order, accused has been convicted of the offence punishable under Section 354-B of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act. The maximum sentence of imprisonment awarded by the trial Court is five years.

Learned Counsel for applicant submits that accused was on bail during trial. It is also

submitted that in case fine amount is not deposited, applicant is ready to deposit the same before the trial Court.

Considering the short term sentence awarded by the trial Court and as applicant was on bail during trial, this Court is inclined to allow the application. Hence, the following order :

ORDER

- I. The substantive sentence of imprisonment awarded by the trial Court is suspended during pendency of appeal on applicant's furnishing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the trial Court.
- II. Criminal application is allowed and disposed of in the above terms.

Criminal Appeal No.538/2017 :

Heard.

Admit.

Call for record and proceedings.

Mrs. H.N. Prabhu, learned A.P.P. waives service of notice for the respondent-State.

JUDGE

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