

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

CRIMINAL APPLICATION [APPA] NO.948 OF 2017

IN

CRIMINAL APPEAL NO.552 OF 2017

(Roshan Dnyaneshwarrao Amzare

vs.

The State of Maharashtra, through P.S.O. Bhatkuli, 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 R.J. Mirza, learned Counsel for the applicant and Shri S.D. Sirpurkar, 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 04/10/2017 passed in S.T. (POCSO) Case No.272/2013. By the said judgment and order, accused has been convicted of the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year with fine of Rs.3,000/-, in default to suffer simple imprisonment for three months.

Learned Counsel for applicant submits that fine has been deposited in the trial Court and

applicant was on bail during trial.

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 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.10,000/- 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.552/2017 :

Heard.

Admit.

Call for record and proceedings.

Shri S.D. Sirpurkar, learned A.P.P. waives service of notice for the respondent-State.

JUDGE

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