

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

CRIMINAL APPLICATION [APPA] NO.976 OF 2017

IN

CRIMINAL APPEAL NO.570 OF 2017

[Sk. Jafar Sk. Khalid .vs. The 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 : NOVEMBER 21, 2017.

Heard Shri S.P. Panditkar, learned counsel for applicant-appellant and Shri R.S. Nayak, learned APP for respondent-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 the learned Sessions Judge, Amravati vide judgment and order dated 21.9.2017 in Special Case (POSCO Act) No.109/2015. Applicant-accused has been convicted of the offence punishable under section 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 451 of the Indian Penal Code. The maximum sentence awarded by the trial court is three years.

The learned counsel for applicant submits that accused was on bail during trial.

Considering the short term sentence awarded by the trial court, 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 Personal 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 No.976/2017 is allowed and disposed of.

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Heard.

Admit.

Call R & P.

Shri R.S. Nayak, learned APP waives service of notice for respondent-State.

JUDGE