

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 68 OF 2018

IN

CRIMINAL APPEAL NO. 13 OF 2018

**MARTIN SOARES, PRESENTLY LODGED IN
COLVALE JAIL, REP., BY REGINA
CELINA OPHELIA SOARES.,**

... Applicant

Versus

**STATE, THR. OFFICER-IN-CHARGE,
MAPUSA POLICE STATION, MAPUSA.,**

... Respondent

Mr. Ashwin D. Bhobe with Ms. Shradha Bhobe, Advocates for
the Applicant.

Mr. Pravin Faldessai, Additional Public Prosecutor for the
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 8th March 2018

P.C:

This is an application for suspension of sentence. The applicant has been convicted for the offence punishable under Sections 341, 354 and 376(2)(i) of IPC read with Section 8(2) of the Goa Children's Act, 2003.

For the offence punishable under Section 341 of IPC, the applicant has been sentenced to undergo simple imprisonment for a period of one month and to pay fine of Rs. 500/- and in default to undergo simple imprisonment for five days.

For the offence punishable under Section 354 of IPC, the applicant has been sentenced to undergo simple imprisonment

for a period of three years and to pay fine of Rs. 5,000/- and in default to undergo simple imprisonment for one month.

For the offence punishable under Section 376(2)(i) of IPC read with Section 8(2) of the Goa Children's Act, 2003, the applicant has been sentenced to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.2,00,000/- and in default to undergo simple imprisonment for two years.

2. I have heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent-State. The applicant was on bail during the course of the trial before the Children's Court. The Appeal is Admitted.

3. In such circumstances, the following order is passed:

O R D E R

(a) The substantive sentence of imprisonment awarded to the applicant is suspended, during the pendency of the Appeal, on condition of the applicant furnishing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount and on condition of deposit of fine, within four weeks.

(b) The Bail Bonds to be furnished before the learned Children's Court.

(c) In the event of breach of the condition of deposit of fine, the order of suspension is liable to be recalled.

4. All concerned to act on the basis of an authenticated copy of the order.

C. V. BHADANG, J.

EV