

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1597 OF 2018

IN

CRIMINAL APPEAL NO.1135 OF 2018

Sakaram Ramchandra Thakur ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Dilip Shinde i/b. Mr.Samadhan Kashid, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 18th SEPTEMBER 2018.

P.C. :

1 This is an application for suspension of conviction so also suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. The prayer is also made for staying the execution, operation and implementation of the Judgment and Order of conviction and resultant sentence.

2 The applicant/accused is convicted for the offences punishable under Section 354-A(1)(i) of the Indian Penal Code as

well as under Sections 11(i)(iv) read with Section 12 of the Protection of Children from Sexual offences Act, 2012. The applicant/accused is sentenced to suffer rigorous imprisonment for one year apart from payment of fine of Rs.5,000/- and in default to undergo further rigorous imprisonment for three months.

3 Heard the learned Counsel appearing for the applicant/accused. He argued that the applicant is not interested in pressing the prayer for stay to the effect, operation and implementation of the Judgment and Order of conviction and resultant sentence and the application may be considered only for suspension of sentence and releasing the applicant/accused on bail during pendency of the appeal filed by him. It is further argued that short sentence imposed on the applicant/accused has already been suspended by the learned trial Court.

4 The learned Additional Public Prosecutor opposed the application.

5 The short sentence of imprisonment imposed on the applicant/accused has already been suspended by the learned trial Court. The appeal filed by him may not be heard within a period of one year, considering the pendency of appeals before this Court. However, there is no reason for staying the Judgment and Order of conviction and resultant sentence.

6 In this view of the matter, the following order :

ORDER

- (i) The prayer for stay to the effect, operation and implementation of the Judgment and Order of conviction and resultant sentence is rejected, however, the applicant/ accused is released on bail by suspending his sentence on his executing P. R. Bond of Rs.15,000/- and on furnishing surety in the like amount.
- (ii) As a condition of this order, the applicant/accused should not contact the victim child or her relatives as well as prosecution witnesses in any manner and he should not repeat commission of similar offence in future.
- (iii) The application is disposed of accordingly.

(A.M.BADAR J.)

Raju
Dattatraya
Gaikwad

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Raju Dattatraya
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