

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

CRIMINAL APPLICATION (APPA) NO.123/2018

IN
CRIMINAL APPEAL NO.78/2018
Narsing s/o Narayan Bhogewar

..vs..

State of Mah., thr. Police Station Officer, Police Station, Gadchandur, Tahsil
Korpana, District Chandrapur

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri A.P. Raghute, Counsel for the applicant/appellant.
Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : APRIL 17, 2018.

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.P. Raghute for the applicant/appellant and learned Additional Public Prosecutor Shri A.D. Sonak for the State.
3. The applicant/appellant is convicted on 4.10.2017 in Special POCSO Case No.34/2015 by learned Additional Sessions Judge-3 and Special Judge, Chandrapur.

By the said, learned Judge of the Court below convicted the applicant/appellant for the offence punishable under Section 354A(1)(i) of the Indian Penal Code and is directed to suffer

rigorous imprisonment for 3 years and to pay a fine of Rs.3000/- and, in default of payment of the fine amount, to suffer simple imprisonment for 1 month.

He is also convicted for the offences punishable under Sections 9 and 10 of the Protection of Children from Sexual Offences Act, 2012 and on that count he is directed to suffer rigorous imprisonment for 5 years and to pay a fine of Rs.5000/- and, in default of payment of the fine amount, to suffer simple imprisonment for 3 months.

4. Learned counsel Shri A.P. Raghute for the applicant/appellant submits that the applicant/appellant was on bail during the course of the Trial and at no point of time he has mis-used the liberty granted to him in his favour.

5. The record shows that the present appeal is admitted on 7.2.2018 and on 12.2.2018 this Court suspended the substantive jail sentence temporarily and the record and proceedings were called. Accordingly, the record and proceedings are received.

6. After having gone through the impugned judgment, I am of the view that during the pendency of the appeal, order passed by this Court (Coram : Rohit B. Deo, J.) on 12.2.2018 needs to be confirmed. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the

applicant/appellant on 4.10.2017 in Special POCSO Case No.34/2015 by learned Additional Sessions Judge-3 and Special Judge, Chandrapur shall stand suspended during the pendency of the criminal appeal.

(iii) Applicant/appellant Narsing s/o Narayan Bhogewar, be released on bail on he executing a P.R. Bond in the sum of Rs.5000/- with one solvent surety of the like amount.

(iv) The applicant/appellant is directed to remain personally present at the time of final hearing of the appeal.

(v) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!