

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

CRIMINAL APPEAL NO.123/2018

Shaharukh @ Kalya s/o Firoz

..vs..

State of Mah., thr. Police Station Officer, PS Ramdaspath, Akola

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

Court's or Judge's Order

.....
Shri M.N. Ali, Counsel for the appellant.

Shri N.R. Rode, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : MARCH 5, 2018.

1. Heard learned counsel Shri M.N. Ali for the appellant and
learned Additional Public Prosecutor Shri N.R. Rode for the State.

2. **ADMIT.**

3. Call record and proceedings.

4. Learned Additional Public Prosecutor Shri N.R. Rode
waives service on behalf of the State.

Criminal Application (APPA) No.183/2018

1. Heard learned counsel Shri M.N. Ali for the
applicant/appellant and learned Additional Public Prosecutor Shri N.R.
Rode for the State. Also, perused the judgment, which is under challenge.

2. The applicant/appellant is convicted by learned Judge of
the Court below in Sessions Trial No.130/2016 for the offences punishable

under Sections 341 read with Section 34 of the Indian Penal Code and Section 8 of the Protection of Children from the Sexual Offences Act, 2012.

3. The jail sentence imposed upon the applicant/appellant is of 3 years.

4. Learned counsel Shri M.N. Ali for the applicant/appellant invites my attention to paragraph No.9 of the application in which the applicant/appellant has stated that the applicant/appellant has already deposited entire fine amount and after judgment and order of conviction was passed, learned Judge of the Court below itself has suspended the substantive jail sentence.

5. After having perused the impugned judgment, in my view, the applicant/appellant has made out a case for suspension of substantive jail sentence, imposed upon him, during the pendency of the present appeal. Hence, this Court passes the following order:

ORDER

(a) The criminal application is allowed.

(b) Substantive jail sentence, imposed upon the applicant/appellant by learned Judge of the Court below in Sessions Trial No.130/2016 for the offences punishable under Sections 341 read with Section 34 of the Indian Penal Code and Section 8 of the Protection of Children from the Sexual Offences Act, 2012, shall remain suspended during the pendency of the present appeal.

(c) The applicant/appellant shall be released on bail on he

executing a fresh Bond in the sum of Rs.10,000/- with one solvent surety of the like amount before learned Judge of the Court below.

(d) The applicant/appellant is directed to remain personally present before this Court at the time of final hearing of the present criminal appeal.

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

JUDGE

!! BRW !!

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