

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

Criminal Appeal No. 356/2018

(Shri Sudhakar S/o Madhukar Mugal Vs State of Maharashtra)

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

Court's or Judge's orders

Shri S. S. Shingane, Advocate for appellant.
Shri I. J. Damle, A.P.P. for State.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : 08.06.2018.

Heard Both the sides.

Appeal Admit.

Call for R. & P.

Criminal Application (APPA) No. 511/2018

Heard both the sides.

By this application, the applicant prays for suspension of jail sentence imposed upon him by the Special Judge, Wardha dated 09.05.2018 in Special (Ch.) Case No. 9/2014.

The applicant is convicted for the offence punishable under Section 8 of the Protection of Children From the Sexual Offences Act and was sentenced to suffer 3 years R.I and to pay a fine of Rs. 10,000/- in default to suffer S.I. for two months.

The applicant was on bail during the pendency of trial. Even after the judgment and order of conviction, the learned Special Judge has suspended jail sentence and the applicant was released on bail. The applicant has deposited entire fine amount imposed on him on 09.05.2018.

Considering the nature of allegation against the applicant and also the fact that the applicant was on bail during the trial and his substantive jail sentence was already suspended and he was released on bail by the learned Special Judge and considering that other old matters are pending before this Court, the applicant is entitled for suspension of jail sentence and grant of bail. Hence, the following order:-

(I) Criminal Application is No. 511/2018 is allowed.

(II) The substantive jail sentence imposed on applicant by the learned Special Judge, Wardha in Special (Ch.) Case No. 9/2014 dated 09.05.2018 shall remain suspended during the pendency of the present appeal.

(III) The applicant shall be released on executing fresh bond of Rs. 15,000/- with one solvent surety in the trial Court.

(IV) The learned Special Judge before whom the bail bond will be executed shall ensure that before executing the bail bond, the entire fine amount is deposited by the applicant.

(V) The applicant shall personally remain present before this Court at the time of final hearing of the appeal.

Hamdast is granted.

Criminal Application (APPA) No. 524/2018

The applicant prays for time to remove office objection.

For the reasons separated in the application, the application is granted.

The applicant to remove office objection within a week.

JUDGE