

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 57 OF 2019

IN

CRIMINAL APPEAL NO. 5 OF 2019

DINESH GAWAS.,

... Applicant

Versus

**STATE, THR. POLICE INSPECTOR,
MAPUSA POLICE STATION, MAPUSA AND
ANR.,**

... Respondents

Mr. Ravi Gawas, Advocate for the Applicant.

Mr. Mahesh Amonkar, Additional Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 20th February 2019

P.C.

This is an application for suspension of sentence.

2. The applicant has been convicted for the offence punishable under Section 323 of IPC, read with Section 8(2) of the Goa Children's Act, 2003. For the offence punishable under Section 323 of IPC, the applicant is sentenced to undergo simple imprisonment for a period of six month and for the offence punishable under Section 8(2) of the Goa Children's Act, 2003, the applicant is sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1 lakh and in default to undergo simple imprisonment for a period of six months.

3. The applicant was all along on bail during the course of the trial.

4. The learned Counsel for the applicant states that the applicant is a coconut plucker and is not in a financial position to deposit the fine amount immediately. He seeks time in order to enable the applicant to deposit the fine amount.

5. On hearing the learned Counsel for the parties, the following order is passed:

O R D E R

(a) The substantive sentence of imprisonment is hereby suspended, pending disposal of the appeal, subject to the applicant furnishing a P.R. Bond in the sum of Rs.25,000/- alongwith one solvent surety in the like amount and subject to further condition of the applicant depositing the fine amount, within a period of four weeks from today.

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

C. V. BHADANG, J.