

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 559 OF 2019
IN
CRIMINAL APPEAL NO. 557 OF 2019

Khandu Namdeo Gaikwad and Anr.	..Appellant/Applicant
v/s.	
Satish Mahadev Randive and Anr.	..Respondents

Mr. Nitesh Mohite I/by Mr. Jaydeep D. Mane for
Appellant/Applicant.
Mr. S.R. Agarkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 12th April 2019.

P.C.

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicants herein are seeking suspension of substantive sentence imposed upon him by the Additional Sessions Judge, Solapur in Session Case No. 121 of 2017, vide judgment and order dated 27th February 2019. The applicants are convicted for the offences punishable under Sections 354 (A) and 341 read with Section 34 of the Indian Penal Code and also under section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer simple imprisonment of 15 days for the offences punishable under

section 341 read with 34 of the Indian Penal Code. The applicants are sentenced to suffer simple imprisonment for one month for the offences punishable under section 323 of the Indian Penal Code. Further the applicants are sentenced to suffer simple imprisonment for one year and to pay fine of Rs. 2000/- for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012, in default to suffer simple imprisonment for one month.

3. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and has not committed breach of any conditions imposed upon him. The sentence imposed upon him is short term sentence. Hence the following order:-

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicants vide judgment and order dated 27th February 2019 passed the Additional Sessions Judge, Solapur in Session Case No. 121 of 2017 is hereby suspended.
- iii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- each and one or more solvent sureties in the like amount.
- iv) The applicants shall cause his presence before the Additional Sessions Judge, Solapur, once in six months on the date assigned by the the Additional

Sessions Judge, Solapur.

- v) Upon failure to attend any two consecutive dates, the Additional Sessions Judge, Solapur shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vi) The application stands disposed of.

(SMT. SADHANA S. JADHAV, J)