

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 651 OF 2019
IN
CRIMINAL APPEAL NO. 625 OF 2019

Mahesh Vasant Mestri.

..Applicant.

V/s.

The State of Maharashtra & anr.

..Respondents.

Mr. Yashpal M. Thakur, advocate for appellant.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 22, 2019.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 389 of the Code of Criminal Procedure, 1908 seeking suspension of sentence imposed upon the applicant. The applicant is convicted for the offence punishable under section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer R.I. for 3 years and to pay fine of Rs. 5,000/- I.d. to suffer S.I. for one month. Applicant is also convicted for offence punishable under section 354A(1)(i) of the Indian Penal Code by the Special Judge, under POCSO Act, 2012 Sindhudurg, Oros vide Judgment and Order dated 16/3/2019 in Special Case No. 31 of 2017.

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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 substantive sentence imposed upon the applicant was suspended after Judgment was delivered. Fine amount was deposited. Hence, he be granted same relief during the pendency of the appeal.

4 The sentence imposed upon the applicant is a short term sentence. This Court is hearing the jail appeals of the year 2013 and hence, the applicant is entitled to the extension of the same relief during the pendency of the appeal. Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The substantive sentence imposed upon the applicant vide Judgment and Order dated 16/3/2109 by Special Judge, under POCSO Act, 2012, Sindhudurg, Oros in Special Case No. 31 of 2017 is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall furnish his residential address and contact numbers to the concerned Court.

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(iv) The applicant shall report to the Special Judge, Sindhudurg-Oros once in 6 months on the date specified by the Special Court, Sindhudurg-Oros. Upon failure to attend any two consecutive dates the Special Court shall report the same to the High Court and the prosecution is at liberty to move an application for cancellation of bail.

5 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]