

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 660 OF 2019
IN
CRIMINAL APPEAL NO. 603 OF 2019

Umashankar Vishwanath Rao.

..Applicant.

V/s.

State of Maharashtra & anr.

..Respondents.

Mr. P.D. Desai I/b. Mr. Pramod S. Kumbhar, advocate for applicant.

Mr. S.S. Pednekar, 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 354(A) of the Indian Penal Code and is sentenced to suffer R.I. for one year. The applicant is also convicted for offence punishable under section 354(B) of the Indian Penal Code and is sentenced to suffer R.I. for 3 years and to pay fine of Rs. 25,000/- I.d. to suffer R.I. for 6 months. The applicant is also convicted for offence punishable under

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section 342 of the Indian Penal Code and is sentenced to suffer R.I. for one year. The applicant is also convicted for offence punishable under section 509 of the Indian Penal Code and is sentenced to suffer S.I. for 6 months by the Special Judge under POCSO Act, Gr. Bombay vide Judgment and Order dated 21/2/2019 in POCSO Case No. 305 of 2014.

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 and 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 21/2/2019 by Special Judge, under POCSO Act, Gr. Bombay in POCSO case No. 305 of 2014 is hereby suspended. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.

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

(iv) The applicant shall report to the Special Judge under POCSO Act, Gr. Bombay once in 6 months on the date specified by the Special Court, under POCSO Act, Gr. Bombay. Upon failure to attend any two consecutive dates, the Special Court under POCSO Act, Gr. Bombay 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.]