

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 699 OF 2019****IN****CRIMINAL APPEAL NO. 670 OF 2019**

Rupesh Minanath Phadke

..Appellant/Applicant

v/s.

The State of Maharashtra

..Respondent

Mr. Tejesh Dande I/by Tejesh Dande and Associates for
Appellant/Applicant.

Ms. Pallavi Dabholkar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.**DATED : 30th April 2019.****P.C.**

1. Heard.
2. This is an application filed under Section 389 of Cr.P.C. The applicant herein is seeking suspension of substantive sentence imposed upon him by the Special Judge, Raigad, Alibaug in Special (POCSO) Case No. 42 of 2017, vide judgment and order dated 10th April 2019, thereby convicting the applicant for the offence punishable under sections 7 and 8 of the Protection of Children from Sexual Offences, Act and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs. 3000/- (Rs. Three Thousand Only), in default of payment of fine, he shall suffer simple imprisonment for one month. The applicant is also convicted for the

offence punishable under section 354 of the Indian Penal Code

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

Order

- i) The Criminal Application is allowed.
- ii) The substantive sentence imposed upon the applicant by the Special Judge, Raigad, Alibaug in Special (POCSO) Case No. 42 of 2017, vide judgment and order dated 10th April 2019 is hereby suspended.
- iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) and one or more sureties in the like amount.
- iv) The applicant shall cause his presence before the Special Judge, Raigad, Alibaug once in six months on the date assigned by the Special Judge, Raigad, Alibaug.
- v) Upon failure to attend any two consecutive dates, the Special Judge, Raigad, Alibaug shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.
- vi) The applicant shall not reside in Panda Colony,

Tal-Panvel for a period of six months from 1st of May 2019.

vi) The application stands disposed of.

The parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)