IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 839 OF 2019
IN
CRIMINAL APPEAL NO. 768 OF 2019

Harjit Singh Pragatsingh Dhilloh and Anr. ...Appellants
v/s.
The State of Maharashtra ..Respondent

Mr. Arun Rajput I.by Ms. Anjali Patil for appellants/applicants.
Mr. S.S. Pednekar-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 10th JUNE, 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 the applicants by Special Judge under POCSO Act, Greater Mumbai in POCSO Case No. 101 of 2014, vide judgment and order dated 11th April 2019. The applicants herein are convicted for the offence punishable under sections 323 and 506 of Indian Penal Code and they are sentenced to suffer R.I. for six months and fine of Rs. 500/- (Rupees Five Hundred) each, in default, to suffer S.I. for 7 days. The appellants are also convicted for the offence punishable under section 354 of Indian Penal Code and are sentenced to suufer R.I. for one year and fine of Rs. 1000/- (Rupees One thousand) each, in default, to suffer S.I. for 15 days.

3. The sentence imposed upon them are short term sentence. The learned counsel for the applicants submits that the appellants are not residing in the same vicinity since the commencement of the trial and he further undertakes not to visit the said area. The applicants shall not enter into the jurisdiction of Mulund Police Station for a period of six months from today. Hence, the following order:-

Order

i) The Criminal Application is allowed.

ii) The substantive sentence imposed upon the applicant vide judgment and order dated 11th April 2019 in POCSO Case No. 101 of 2014 is hereby suspended.

iii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 30,000/- each, and one or more solvent sureties in the like amount.

iv) The applicants shall cause his presence before the Special Judge under POCSO Act, Greater Mumbai, once in six months on the date assigned by the learned Special Judge.

v) Upon failure to attend any two consecutive dates, the learned Special Judge under POCSO Act, Greater Mumbai, shall make report to the High Court and the prosecution would be at liberty to seek cancellation of bail.

vi) The appellants shall not enter into the jurisdiction of Mulund Police Station for a period of six months from today.

vii) The application stands disposed of.

Parties to act on an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)