

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.821 OF 2019

Chetan @ Arun Jagdish Sharma Appellant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Amol Arunprakash Patankar for the appellant.

Mr. S.S. Pednekar, APP for State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 24th June 2019

P.C.:

1 Heard.

2 Admit.

(Smt. Sadhana S. Jadhav, J)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 912 OF 2019
ALONGWITH
CRIMINAL APPLICATION NO.913 OF 2019
IN
CRIMINAL APPEAL NO.821 OF 2019**

Chetan @ Arun Jagdish Sharma		Applicant
<u>Vs.</u>		
The State of Maharashtra & Anr.		Respondents

Mr. Amol Arunprakash Patankar for the applicant
Mr. S.S. Pednekar, APP for State.

**Coram : Smt. Sadhana S. Jadhav, J.
Date : 24th June 2019**

P.C.:

1. Heard the respective counsel.
2. These are the applications under Section 389 Code of Criminal Procedure seeking suspension of substantive sentence. The applicant herein is convicted by the Designated Judge under POCSO Act, Greater Mumbai in POCSO Special Case No. 282 of 2014, vide judgment and order dated 4th May 2019 thereby convicting him for an offence punishable under 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years, fine of Rs.10,000/-, in default to suffer rigorous imprisonment for

one month. As the learned Judge proceeded to sentence the applicant under Section 8 of the POCSO Act, no sentence is imposed upon him under Section 354-A of Indian Penal Code.

3. Learned counsel for the applicant submits that in fact the incident has been reported to the police due to some misunderstanding as the relations between both the families are cordial as on today. The victim had disclosed the incident first to PW-3, who happens to be her teacher in School and the same was then informed to the parents by the teacher.

4. Be that as it may, the sentence imposed upon the applicant is a short term sentence. He was on bail during pendency of the trial and has not committed breach of any conditions imposed upon him. In view of this, the applicant deserves extension of the same relief during the pendency of the appeal. Hence, the following order.

ORDER

- i) The applications are allowed and stand disposed of.
- ii) The substantive sentence imposed upon the applicant vide judgment and order dated 4th May 2019 is hereby suspended.

iii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more solvent sureties in the like amount.

iv) The applicant shall mark his presence before the Special Court once in six months on the date assigned by the Special Judge.

v) Upon failure to attend any two consecutive dates, the Special Court shall make a report to the High Court and the prosecution would be at liberty to file an application seeking cancellation of bail.

(Smt. Sadhana S. Jadhav, J)