

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.73/2019

Kardik Ramrao Wagh

..VS..

The State of Mah., thr. Police Station of Akot (Rural), District Akola

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri A.B.Moon, Counsel for the appellant.

Shri N.S.Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 4, 2019.

Heard learned counsel Shri A.B.Moon for the
appellant. **ADMIT.** Learned Additional Public Prosecutor
Shri N.S.Rao waives service on behalf of the State.

Criminal Application (APPA) No.117/2019

1. This is an application for suspension of
substantive jail sentence and for grant of bail.

2. By impugned judgment and order, the applicant
is convicted for offences under Sections 7 and 8 of the
Protection of Children from Sexual Offences Act, 2012 and
sentenced to suffer rigorous imprisonment for 3 years and to
pay a fine of Rs.2000/- and in default of payment of the fine
amount to suffer rigorous imprisonment for 2 months.

3. While making submissions, learned counsel Shri
A.B.Moon for the applicant made a statement that after the
judgment and order of conviction, the applicant filed an

application for suspension of the substantive jail sentence and for grant of bail before the Trial Court. However, as on today, the said application is not decided by learned Judge of the Court below.

The statement is accepted.

Learned counsel Shri Moon invited my attention to page No.25 which shows that the applicant deposited fine amount of Rs.2000/- before the Court below.

4. From the impugned judgment, it is clear that the applicant was on bail during the course of the Trial.

5. Looking to the quantum of sentence of 3 years and the fact that the applicant was on bail during the course of the Trial, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by judgment and order of conviction dated 21.1.2019 passed by learned Additional Sessions Judge, Akot in Sessions Trial No.48/2016 shall remain suspended during the pendency of the present appeal.

(iii) The applicant be released on bail on he executing a P.R.Bond in the sum of Rs.5000/- with one solvent surety of the like amount.

(iv) The applicant shall mark his presence once in a year to the Police Station of Akot (Rural), District Akola and shall

.....3/-

maintain the diary.

(v) The applicant shall personally present before this Court at the time of final hearing of the appeal.

(vi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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