

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

CRIMINAL APPEAL NO.326/2019

Suraj s/o Puroshottam Wankhede

..VS..

State of Mah., thr. Police Station Officer Kamptee, Tahsil Kamptee, District
Nagpur

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

Court's or Judge's Order

.....
Shri H.G.Katekar, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : APRIL 29, 2019.

1. Heard learned counsel Shri H.G.Katekar for the appellant.
2. **ADMIT.** Learned Additional Public Prosecutor Shri N.S.Rao waives service of Notice on behalf of the State.

Criminal Application (APPA) No.443/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri H.G.Katekar for the applicant and learned Additional Public Prosecutor Shri N.S.Rao for the State. Perused the impugned judgment and order of conviction.
3. By the judgment and order of conviction dated 27.3.2019 passed by learned 9th Additional Sessions Judge, Nagpur in Special POCSO Case No.7/2014, the applicant was convicted under Sections 7 and 8 of the Protection of

.....2/-

Children from Sexual Offences Act, 2012 and under Sections 354, 354-A, 354-B, and 457 of the Indian Penal Code. Maximum punishment awarded to the applicant is 3 years.

4. The applicant moved an application before the Court below and learned Judge of the Court below exercising powers under Sub-section (3) of Section 389 of the Code of Criminal Procedure suspended the substantive jail sentence, is the submission of learned counsel for the applicant.

5. Looking to the quantum of punishment and the applicant was on bail, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant on 27.3.2019 by learned 9th Additional Sessions Judge, Nagpur in Special POCSO Case No.7/2014 shall remain suspended during the pendency of the present criminal appeal.

(iii) The applicant to execute fresh bonds in the sum of Rs.15,000/- with one solvent surety of the like amount within a period of one month from today.

(iv) The applicant is directed to mark his presence with Police Station Kamptee, Tahsil Kamptee, District Nagpur once in two months during the pendency of the present appeal.

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(v) The applicant is directed to remain personally present before this Court at the time of final hearing of the present criminal appeal.

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

JUDGE

!! BRW !!

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