

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

CRIMINAL APPLICATION (APPA) NO. 529 OF 2019

Wasudeo Tulshiramji Khadse

..VS..

State of Maharashtra, Thru. P.S.O. Kholapur, Tq. Bhatkuli, Dist. Amravati

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

Court's or Judge's orders

None appear for applicant/appellant.

Shri T.A. Mirza, APP for respondent/non-applicant.

CORAM : ROHIT B. DEO,J.

DATED : 30th JULY, 2019.

. None appears on behalf of the applicant/appellant.

2. This application is taken out for condonation of delay of 160 days in preferring the appeal.

3. For reasons stated in paragraphs 3 and 4 of the application, the delay is condoned.

4. The application is disposed of.

5. The appeal be registered.

Criminal Appeal No. _____ / 2019

. None appears on behalf of the appellant.

2. Perused the judgment.

3. **Admit.**

4. The learned Additional Public Prosecutor Shri T.A. Mirza waives service for the State.

5. Call for R & P.

Criminal Application (APPA) No. 676/2019

. The appellant is convicted for offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and is awarded the

maximum imprisonment of three years.

2. The sentence was suspended by the trial Court. However, since the appellant failed to prefer the appeal within time, he was arrested on 16/05/2019 and is presently in jail.

3. The appellant is aged 70 years or thereabout. Perusal of the judgment of the learned Special Judge-2, Amravati and the discussions of the evidence on record would reveal that even according to the victim, the appellant did not touch her.

4. The appellant has made out a case for temporary suspension of sentence. The issue of suspension of sentence will be revisited after the receipt of R & P.

5. The sentence awarded by the learned Special Judge – 2, Amravati in Spl. Case (POCSO) No. 220/2015 is suspended till the receipt of R & P.

6. The applicant be released on temporary bail on furnishing P.R. Bond of Rs. 15,000/-.

7. Since, there is no appearance on behalf of the appellant, the Registry is directed to immediately forward writ of this order to the trial Court and the Superintendent of Central Prison, Amravati.

JUDGE