

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

CRIMINAL APPEAL NO.379/2019

Abhishek Bhimrao Dhoke ..VS.. State of Maharashtra

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

Court's or Judge's orders

Shri R. J. Shinde, Advocate for the appellant
Shri C. A. Lokhande, Addl.P.P. for the respondent

CORAM : ROHIT B. DEO, J.
DATED : 24/06/2019

Heard.

2] **ADMIT.**

3] Issue notice to the respondent.

4] Learned Additional Public Prosecutor Shri C.
A. Lokhande waives service for the respondent-State.

5] Call for R & P.

6] List this appeal for final hearing on **3rd July**
2019 at the end of the admission board.

CRIMINAL APPLICATION NO.533/2019

It is strenuously submitted that since the sentence of three years is suspended by the trial Court, the substantive sentence be suspended and the accused be released on bail.

2] The conviction is under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3] The duration of the sentence is not necessarily the only criterion to decide the gravity of the offence. The impact of the Act on the moral fabric of the society cannot be ignored. The accusation which is held proved against the accused is that he committed criminal trespass, entered the house of the child victim and caressed her breasts. The accused was caught red handed, locked in the bathroom and then police summoned.

4] Considering the accusations, I am not inclined to suspend the sentence.

5] This application is rejected.

6] The accused shall surrender to his custody forthwith.

7] However, since the sentence is not being suspended, this appeal shall have to be heard early.

8] The learned counsel Shri R. J. Shinde for the appellant undertakes to place on record copies of depositions and such other documents as would be referred to during the course of hearing.

9] The Registry shall ensure that R & P is received from the Amravati Court within 8 days.

JUDGE