

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

CRIMINAL APPLICATION (APPA) NO. 639 OF 2019
IN
CRIMINAL APPEAL NO. 506 OF 2019

Nilesh @ Pintu S/o Vitthal Gedam
..VS..

State of Maharashtra, Thru. P.S.O. Yashodhara Nagar, Nagpur.

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

Court's or Judge's orders

Shri V.N. Bansod, Advocate for appellant.
Shri T.A. Mirza, APP for respondent.

CORAM : ROHIT B. DEO,J.
DATED : 9th AUGUST, 2019.

1. The accusation which is held proved by the trial Court is that the appellant outraged modesty of a child.
2. The submission is that since the sentence is only three years and the accused was on bail during the trial, the sentence be suspended.
3. I am not inclined to suspend the sentence.
4. The fact that the accused was on bail during the trial is of no significance in the context of the conviction.
5. The gravity of the offence is not necessarily dependent on the sentence imposed.
6. Considering the nature of the Act which is alleged and proved, rather than the suspending the sentence it would be more appropriate if the appeal is finally decided.

7. The R & P is received.
8. The paper-book is dispensed with.
9. It is conveyed to the learned counsel for the appellant that the Court is ready to hear the appeal finally even today.
10. However, the learned counsel states that the appeal be heard in the first week of September, 2019.
11. In view of the change of Roster, it would not be appropriate for me to fix the schedule of final hearing.
12. The appellant is at liberty to move appropriate application for early hearing or fixed date hearing before the Bench concerned.
13. The application is dismissed.

JUDGE

Prity G.