

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

CRIMINAL APPLICATION (APPA) NO.644/2019

IN

CRIMINAL APPEAL NO.643/2019

Kisan Ramsu Dhurve

..VS..

State of Mah., thr. PSO PS Akot Gramin, Taluka Akot, District
Akola

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

Court's or Judge's Order

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Shri V.B.Bhise, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : SEPTEMBER 26,
2019.

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri V.B.Bhise for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State.
3. By judgment and order of conviction dated 22.4.2019 passed by learned Additional Sessions Judge, Akot in Special Case POCSO No.17/2018, the applicant is convicted for offences under Section 354-A(1)(i) of the Indian Penal Code and under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 and directed to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.15000/-.

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4. According to learned counsel Shri V.B.Bhise for the applicant, after alleged incident dated 11.5.2018, the applicant was immediately arrested and he was released on bail by learned Judge of the Court below on 20.8.2018. Learned counsel submitted that the applicant never misused the liberty granted to him in his favour. He submitted that though the sentence was only for 3 years, the applicant could not file an application for suspension of substantive jail sentence before learned Judge of the Court below since he was not in a position to pay the fine amount. Consequently, he was taken into custody and since 22.4.2019 he is in jail. Learned counsel pointed out that on 22.7.2019 the applicant deposited fine amount Rs.15,000/-. Along with Pursis vide Stamp No.4613/2019, learned counsel placed on record a photo copy of receipt showing deposit of the fine amount.

5. On 19.9.2019, this Court admitted the present appeal.

6. Looking to the quantum of the sentence, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) The substantive jail sentence imposed upon the applicant by judgment and order of conviction dated 22.4.2019 passed by learned Additional Sessions Judge, Akot in Special Case POCSO No.17/2018 shall

.....3/-

remain suspended during the pendency of the present appeal.

(c) Applicant-Kisan Ramsu Dhurve, be released on bail on his executing a P.R.Bond in the sum of Rs.5,000/- with one solvent surety of the like amount.

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

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

JUDGE

!! BRW !!

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