

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

CRIMINAL APPEAL NO.526 OF 2019

(Mahendra @ Balu s/o Basuraj Shamkuwar Vs. State of Maharashtra thr. PSO PS
Sakoli, Tq. Sakoli, Dist. Bhandara)

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

Court's or Judge's orders.

Shri Akash Sorde, Advocate for Appellant.

CORAM: ROHIT B. DEO, J.

DATE: 2nd AUGUST, 2019.

Heard.

2] **Admit.**

3] Shri N.B. Jawade, the learned Additional Public
Prosecutor waives service for the respondent/State.

4] Call for R & P.

Criminal Application (APPA) 675/2019:

The submission is that since the sentence is of relatively short duration i.e. three years, and that since the sentence is suspended by the trial Court, the sentence be suspended till decision in appeal.

2] The accusation which is found proved by the trial Court is that the accused sexually molested a child.

3] The sentence cannot be suspended only because the punishment imposed is three years rigorous imprisonment or because the trial Court suspended the sentence to enable the accused to approach this Court.

The societal aspirations and the impact of the act proved on the moral fabric of the society is equally important.

4] Considering the material on record, *inter alia* the evidence of the child which is corroborated by the other prosecution witnesses, I am not inclined to suspend the sentence.

5] Since the sentence is not being suspended, the appeal shall have to be heard early.

6] This Court conveyed to the learned counsel for the appellant Shri Sorde that if he is ready to argue the appeal finally, the appeal can be heard immediately by dispensing with paper-book.

7] Shri Sorde states that the appeal shall be finally argued on 09.08.2019.

8] The registry is directed to ensure that the R & P is received till then.

9] The learned counsel for the appellant shall produce on record certificate of surrender of the accused to custody.

JUDGE