

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

CRIMINAL APPLICATION (APPA) NO. 605/2019

Deosing s/o Laxman Sadar .vs. State of Maharashtra through P.I. Channi
P.S., Tq. Dist. Akola.

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

Court's or Judge's orders.

Ms R. V. Palaspagar, Advocate for applicant.
Mr. S. M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 03, 2019

Heard Ms Palaspagar, learned counsel for applicant and Mr. Ghodeswar, learned A.P.P. for non applicant-State.

This is an application for condonation of delay in filing the appeal, challenging judgment and order of conviction passed by the Court below. There is a delay of 32 days. According to learned A.P.P., non bailable warrant issued on 07.09.2019 by this Court stood executed and now the applicant is in jail.

For the reasons stated in the application, the application is allowed. Delay of 32 days stands condoned. Office to register the appeal.

The application is disposed of.

Criminal Appeal No. ____/2019

Heard.

Admit. Call for the record and proceedings.

Learned A.P.P. waives notice for respondent.

Criminal Application No.798/2019

This is an application for suspension of substantive jail sentence and for grant of bail.

The applicant stands convicted in Sessions Trial No.140/2014 by learned Additional Sessions Judge-3, Akola for an offence punishable under Section 354 and 354-A of the Indian Penal Code and under Section 11 punishable under Section 12 of the Protection of Children From Sexual Offences Act. The applicant was directed to suffer rigorous imprisonment for two years and to pay a fine amount of Rs.5,000/- for the offence punishable under Section 354 of the IPC. Similarly, he was sentenced to suffer two years imprisonment for conviction under Section 12 of the POCSO Act and fine amount of Rs.5,000/-.

Impugned judgment shows that both sentences were directed to run concurrently. The applicant was on bail during trial.

After perusing impugned judgment, I am of the view that substantive jail sentence can be suspended since the impugned judgment needs the second thought. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Substantive jail sentence imposed upon the applicant by judgment and order dated 27.03.2019 passed by Additional Sessions Judge-3, Akola in Sessions Trial No.140/2014 shall remain suspended during the pendency of the present appeal.

(iii) Applicant-Deosingh Laxman Sadar be released on bail on he executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(iv) The Court below before whom the bail bonds will be executed, shall ensure that the entire fine amount is paid, if not already paid.

(v) Applicant is directed to attend Police Station, Channi, Tq. Patur, Dist. Akola once in three months, during the pendency of the appeal.

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

The application is disposed of.

JUDGE