

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

CRIMINAL APPEAL NO. 366 OF 2019

Bharat Kisan Raut .Vs. The State of Maharashtra, through P.S.O., P.S.,
Wadki, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. R.D. Hajare, Advocate for appellant (appointed).
Mr. N.R. Rode, A.P.P. for respondent-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 20, 2019

Heard Mr. Hajare, learned counsel appointed through High Court Legal Services Sub Committee for the appellant.

Admit.

Mr. Rode, learned Additional Public Prosecutor waives service of notice on behalf of the respondent-State.

CRIMINAL APPLICATION (APPA) NO. 993 OF 2019.

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

Heard Mr. Hajare, learned counsel for appointed for applicant and Mr. Rode, learned Additional Public Prosecutor for the non applicant-State.

The appellant has been convicted by the learned Additional Sessions Judge-3, Yavatmal for the offence punishable under Sections 354A(1)(i)(2) and 341 of the

Indian Penal Code. He is directed to suffer rigorous imprisonment for two years and to pay a fine of Rs.5,000/- for his conviction under Section 354A(1)(i)(2) of the Indian Penal Code and to suffer simple imprisonment for one month and to pay a fine of Rs.500/- for his conviction for the offence punishable under Section 341 of the Indian Penal Code.

The applicant was on bail during the trial at no point of time he has misused his liberty granted to him. The learned counsel for the applicant invited my attention to page 6 of the present application which shows that applicant has already deposited the fine amount of Rs.5,500/-.

The learned counsel for the applicant pointed out the statement made by the applicant on affidavit that on 02.04.2019 itself the Court below has suspended the substantive jail sentence. In that view of the matter, I pass following order:

ORDER

1. The criminal application is allowed.
2. The substantive jail sentence imposed upon the applicant by the learned Additional Sessions Judge-3, Yavatmal on 02.04.2019 in Special Case (POCSO) No. 68/2017 convicting the applicant for the offence punishable under Sections 354A(1)(i)(2) and 341 of the Indian Penal Code, shall remain suspended during pendency of this appeal.

3. Applicant – Bharat Kisan Raut be released on bail on he executing PR bond in the sum of Rs.5,000/- with one solvent surety of the like amount.
4. The bail bonds to be executed before the Court below within a period of 1½ months from today.
5. The applicant is directed to attend Police Station, Wadki, Dist. Yavatmal once in six months during pendency of this appeal.
6. The applicant shall remain personally present before this Court at the time of hearing of this appeal.
7. Mr. R.D. Hajare, the learned counsel appointed for the applicant is entitled to get the professional charges from the High Court Legal Services Sub-committee, Nagpur for preparing and arguing this application, which is quantified at Rs.1,500/-.
8. With this, the application is allowed and disposed of.

JUDGE

srwagh