

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

CRIMINAL APPEAL NO.800/2019
Purushottam Mahadeo Khobragade

..VS..

The State of Mah., thr. PSO PS Morshi, Taluka Morshi, District Amravati

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

Court's or Judge's Order

.....
Shri Bhushan Sachdeva, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 11, 2019.

1. Heard learned counsel Shri Bhushan Sachdeva for the appellant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri V.A.Thakare, waives service on behalf of the State.

Criminal Application (APPA) No.1044/2019

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri Bhushan Sachdeva for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused judgment and order of conviction, impugned in the present appeal.
3. By judgment and order dated 15.11.2019 passed by learned Additional Sessions Judge, Amravati in Special (POCSO) Case No.69/2018 though learned Judge of

the Court below acquitted the applicant of offence punishable under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012, convicted the applicant for offence punishable under Section 354-A(1)(i) read with Section 354-A(2) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs.5000/- and in default of payment of the fine amount to suffer simple imprisonment for 1 month.

4. The applicant was on bail during the course of the trial. Submission is made on affidavit that after order of conviction, the sentence stood suspended by learned Judge of the Court below.

5. In this 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 judgment and order dated 15.11.2019 passed by learned Additional Sessions Judge, Amravati in Special (POCSO) Case No.69/2018, shall stand suspended during the pendency of the present appeal.

(3) The applicant be released on bail on he executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount. The applicant shall execute fresh bond

before learned Judge of the Court below within a period of one month from today.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!