

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

CRIMINAL APPEAL NO.11/2020

Ejaj Rahamat Sayyad

..VS..

The State of Mah., thr. PSO Lakhani, Tahsil Lakhani, District Bhandara

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

Court's or Judge's Order

.....
Shri A.M.Quazi, Counsel for the Applicant.

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 06, 2020.

1. Heard learned counsel Shri A.M.Quazi for the applicant.
2. **Admit.**
3. Learned Additional Public Prosecutor Shri V.A.Thakare, waives service.

Criminal Application (APPA) No.11/2020

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri A.M.Quazi for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State.
3. By judgment and order of conviction, impugned in the appeal, dated 5.12.2019 passed by learned Special Judge (under POCSO Act), Bhandara in Special Cri.(Child) Case No.4/2017, the applicant was convicted for offences

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punishable under Section 8 of the POCSO Act and under Section 354-A(i)(2) of the Indian Penal Code. For offence under Section 8 of the POCSO Act, the applicant was sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1000/- and in default of payment of the fine amount to suffer further rigorous imprisonment for 1 month. No separate sentence was award for offence under Section 354-A(i)(2) of the Indian Penal Code.

4. Learned counsel Shri A.M.Quazi for the applicant, tendered a photocopy of application filed by the applicant under Section 389 of the Code of Criminal Procedure before Court below. The said copy is taken on record and marked as Exhibit-X for identification. By the said application, the applicant before learned Judge below prayed for suspension of substantive jail sentence for a period of one month. Left column of the said application shows that the applicant has already deposited fine amount Rs.1000/-.

5. The applicant was on bail during the trial.

6. In this view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The substantive jail sentence imposed upon the applicant by judgment and order of conviction, impugned in the appeal, dated 5.12.2019 passed by learned Special Judge

(under POCSO Act), Bhandara in Special Cri.(Child) Case No.4/2017 shall stand suspended during the pendency of the present appeal.

(iii) 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.

(iv) The Bail Bonds to be executed by the applicant before learned Judge of the Court below within a period of two weeks from today.

(v) The applicant is directed to attend Police Station Lakhani, Tahsil Lakhani, District Bhandara once in 6 month 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.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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