

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

CRIMINAL APPLICATION [APPA] NO. 135/2020
IN CRIMINAL APPEAL NO. 107/2020.

Santosh Ramsajeevan Kesharwani

-VERSUS-

The State of Maharashtra

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

Court's or Judge's Orders

Shri R.D. Dharmadhikari, Advocate for the Applicant.
Ms. H.N. Jaipurkar, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 14, 2020.

Heard.

2. The applicant/accused is seeking suspension of execution of sentence passed in Special POCSO Case No. 63/2015. The maximum sentence awarded by the trial Court is a term of imprisonment for 5 years along with fine.

3. During the pendency of the trial, the

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applicant was on bail, and he has deposited entire fine amount in the trial Court.

4. Learned A.P.P. has objected for allowing the application for suspension of sentence.

5. With the assistance of learned Counsel for the parties, I have gone through the impugned judgment and material available on record. There are arguable points. The applicant is in jail for near about one year. In case the execution of sentence is not suspended, then irreversible position would occur, since the appeal will take its own time for disposal on merits..

6. Having regard to these facts, the execution of substantive sentence passed by the learned Special Judge, Gondia in Special POCSO Case No. 63/2015 on 08.01.2020, stands suspended till the disposal.

7. In the meantime, the applicant/appellant be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/-

with one surety in the like amount. Criminal Application is allowed and disposed of accordingly.

JUDGE

Rgd.