

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPA NO. 174 OF 2020

Bhaskar s/o Vittalrao Ghodaki

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for applicant.
Shri A.M. Kadukar, A.P.P. for respondent.

CORAM : VINAY JOSHI, J.
DATED : 15/12/2020

Heard.

2. A prayer has been made for suspension of execution of sentence passed in Special (POCSO) Case No. 182 OF 2018 under which the accused was sentenced to undergo rigorous imprisonment for three years along with a fine of Rs.20,000/- for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act")

3. During trial, the appellant-accused was on bail and post conviction Trial Court has also suspended execution of sentence in terms of Section 389(3) of the Code of Criminal Procedure. Learned Counsel for the appellant took me through the impugned judgment and certain portion of evidence to impress that there are fair chances of acquity. The appellant has deposited partial fine of Rs.10,000/- with Trial Court.

4. The appellant has been awarded the term of

imprisonment of three years only. The appeal will take its own time for disposal in accordance with law. There are no exceptional circumstances to deny the prayer of suspension in view of short duration of sentence imposed. The appellant is entitled for suspension, however, the entire fine amount has to be deposited. In view of above, execution of substantive sentence stands suspended till disposal of appeal on condition that the appellant shall deposit remaining part of fine amount i.e. Rs.10,000/- before the Trial Court within one month from today.

5. In the meantime, the appellant is released on bail on same terms and conditions as imposed by the Trial Court while suspending the sentence.

6. If appellant failed to deposit fine amount as ordered within one month from today then the order of suspension would stand revoked and the Trial Court shall be informed to execute the warrant of conviction.

7. The Criminal Application is disposed of accordingly.

JUDGE

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