

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

CRIMINAL APPLICATION NO. 375 OF 2020

IN

CRIMINAL APPEAL NO.358 OF 2020

Nitesh Panditrao Kanase

...Versus...

State of Maharashtra Through Police Station Officer, Police Station Nandgaon
Khandeshwar, Distt. Amravati

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

Court's or Judge's orders

Shri Sumit B. Gandhe, Advocate for appellant
Shri N.H. Joshi, A.P.P for respondent

CORAM : VINAY JOSHI, J.
DATE : 06/10/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This is an application seeking suspension of execution of sentence in Special (POCSO) Case No.82/2019, by which the appellant/accused was convicted by Sessions Court for the Offences Punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act,2012 and Section 451 of the Indian Penal Code. The maximum sentence imposed by the Trial Court is to undergo rigorous imprisonment for three years. All sentences are directed to run concurrently. The total fine imposed is of Rs.6,000/-.

3. It is brought to the notice that the appellant/accused was on bail during the trial, as well as the convicting Court by

restoring the offence of Section 389(3) of the Code has suspended execution of sentence on the premise that the appellant was desirous to file an appeal. The entire fine amount has been deposited, photo copy of receipt is annexed with the appeal.

4. The allegations against the appellant are of sexual harassment. The appeal will take its own time for disposal in accordance with law. The punishment imposed is below ten years and therefore, considering all the circumstances, it is a fit case to suspend the execution of sentence.

5. The execution of sentence passed in Special (POCSO) Case No.82/2019 is suspended till the final disposal of appeal. In the meantime, the appellant shall be release on bail on the terms as directed by the Trial Court while suspending the sentence.

6. Criminal application is disposed of accordingly.

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Heard.

Admit.

Call record and proceedings. Learned A.P.P. waives notice for respondent.

The order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE