

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 510 OF 2021
IN
CRIMINAL APPEAL NO. 54 OF 2021**

Akilshaha Jabbarshaha ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Joydeep Chatterji, Advocate for the applicant
Mr. P. M. Kulkarni, APP for the respondent-State

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**CORAM : R. G. AVACHAT, J.
(VACATION COURT)**

DATED : 27th MAY, 2021

PER COURT :-

. This application has been moved for suspension of the execution of the sentence passed vide judgment and order dated 27.01.2021 by the learned Special Judge, Bhusawal, District Jalgaon in Special [POCSO] Case No.2/2016. The applicant has been convicted and sentenced as under:-

[1]	Under Section 363 of the Indian Penal Code	-	One Year R.I. fine Rs.1,000/-, i.d. 1 month R.I.
[2]	Under Section 4 of the Protection of Children From Sexual Offences Act, 2012.		Ten Years R.I. fine Rs.35,000/-, i.d. 6 months R.I.
[3]	Under Section 506 of the Indian Penal Code.		Six Months R.I. fine Rs.500/- i.d. 15 days R.I.

The substantive sentences have been directed to run concurrently.

2. Heard.

Perused the impugned judgment and evidence of material witnesses. The learned APP strongly opposed for grant of the application. According to him, the applicant has committed serious offence.

3. The applicant was on bail, pending the trial. From the FIR and the evidence of the victim, it appears to be the case of emotional involvement. The victim claimed to have been 15 years of age at the relevant time. In proof of her age, none of her parents have been examined. Her school leaving certificate was produced in evidence and proved by the testimony of a Clerk from the concerned school.

4. The appeal is of the year 2021. It will take time for hearing the appeal. Without making further observations as to the merits, suffice it to say that the execution of the sentence passed against the applicant needs to be suspended, pending the appeal. Hence, I pass the following order:-

ORDER

- (i) The application is allowed in terms of prayer clause [B].
- (ii) Pending the appeal, the substantive sentence imposed by the trial Court is suspended and the applicant be released on bail on his executing P R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond in the like amount.
- (iii) Bail before the trial Court.

[R. G. AVACHAT, J.]

SMS