

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 274 OF 2020
IN
CRIMINAL APPEAL NO. 85 OF 2020

SNEHA
NITIN
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Date: 2021.12.09
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Mohammed Shakil Rafiq Mirza

..Applicant

V/s.

The State of Maharashtra & Anr.

..Respondents

Ms. Afshan Goghari for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

PSI D.B. Kadu attached to Shivaji Nagar Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 9 DECEMBER 2021

P.C.

1. This is an application for suspension of sentence and for bail.

2. The applicant-accused has been convicted for the offence punishable under Section 354 and 342 of IPC and Section 8 of the Protection of Children from Sexual Offences Act ('the said Act'). The applicant has been sentenced to suffer imprisonment for three years with fine for the offence under the said Act. No separate sentence has been awarded under Section 354 of IPC.

For the offence punishable under Section 342 of IPC, the applicant is sentenced to suffer rigorous imprisonment for six months.

3. The learned counsel for the applicant states that applicant was on bail during the course of the trial. She points out that the applicant was arrested on 01.11.2014 and he was released on bail on 15.12.2015 and thus, has undergone the imprisonment for over one year. She submitted that on account of suspension of physical working of the courts, the applicant who is aged more than 60 years could not take steps to get the appeal and the application listed. She further pointed out that the learned Special Judge had suspended the sentence in order to enable the applicant to approach this court.

4. Considering the over all circumstances, the nature of the allegations against the applicant and the sentence imposed of three years, out of which the applicant had undergone imprisonment for little over one year, the following order is passed.

ORDER

(i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended pending disposal of the appeal subject to the applicant furnishing PR bond in the sum of

Rs.20,000/- with one or two solvent sureties in the like amount and on payment of fine, if not already paid.

(ii) The bail bonds to be furnished before the learned Special Judge.

(iii) Interim Application is disposed of .

(C.V. BHADANG, J.)