

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2641 OF 2021
IN
CRIMINAL APPEAL NO. 893 OF 2021

Dhanraj Anna More ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Vaibhav Kulkarni, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.
DATE : 29 OCTOBER 2021

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. This Application is placed before this Bench as the regular Bench taking up the matter is not available.

2. The Appellant/Applicant was tried for the offence punishable under Section 354-A(1)(i) of the IPC and Section 7, 8, 11(iii) r/w. Section 12 of the Protection of Children from Sexual Offences Act (POCSO Act). The learned Special Judge by the impugned judgment dated 16 September 2021 has acquitted the Appellant/Applicant from the offence under the POCSO Act on the ground that the victim was not a child and was major on the date of

incident. However, the Applicant has been found guilty under Section 354-A(1)(i) of IPC and has been sentenced to suffer Rigorous Imprisonment for a period of one year and to pay a fine of Rs.25,000/- and in default, to suffer Simple Imprisonment for the period of three months. The Applicant was on bail during the course of trial.

3. In such circumstances, the following order is passed.

ORDER

1. The substantive sentence of imprisonment is hereby suspended pending disposal of the Appeal subject to the condition of the Applicant furnishing a P. R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount and on payment of fine, if not already paid.
2. The Bail Bonds shall be furnished before the learned Sessions Judge.
3. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.