

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

CRIMINAL APPLICATION (APPA) NO. 93 OF 2021
IN
CRIMINAL APPEAL NO.73 OF 2021

Babulal S/o Prayagram Dwiwedi

Vs.

State of Maharashtra, Through P.S. Gittikhadan, Nagpur

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

Court's or Judge's Order

Shri G.C. Khond, Advocate for appellant
Shri I.J. Damle, A.P.P. for respondent

CORAM :- N.B.SURYAWANSHI, J.
DATED :- 11/02/2021

The applicant has been convicted for the offences punishable under Section 354 of the Indian Penal Code and under Sections 5 and 7 of the Protection of Children from Sexual Offences Act, 2012. He is sentenced to suffer simple imprisonment for one year and to pay fine of Rs.200/- for the offence punishable under Section 354; simple imprisonment for 3 years and to pay fine of Rs.200/- for the offence under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012; rigorous imprisonment for 5 years and to pay fine of Rs.500/-, in default of payment of fine, to suffer further simple imprisonment for 15 days for the offence under Section 5 punishable under Section 6 r/w Section 18 of the Protection of Children from Sexual Offences Act, 2012 in Special Case Child Protection No. 7 of 2013 by the learned Special Court, Nagpur.

This application is seeking suspension of sentence during pendency of the appeal and releasing the applicant on bail.

Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor.

Prima facie, it appears from the record that the conviction awarded by the learned Trial Court is justified on the basis of evidence placed on record. However, the applicant in the present case is of 84 years of age. He was on bail during trial and he has not misused the facility of bail. According to the learned Advocate for the applicant he has deposited the fine amount. He has approximately undergone about two months sentence. The appeal is not likely to be taken up for final hearing in the near future.

Taking into consideration these aspects, the application deserves to be allowed and the same is allowed. The substantive sentence of imprisonment passed against the applicant is suspended. The applicant is directed to be released on the same bail and on the same conditions as were imposed by the learned Trial Court. Bail to be furnished before the Trial Court. Application stands disposed of.

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Call for Record and Proceeding.

JUDGE