

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

CRIMINAL APPEAL NO. 162/2021

Naresh S/o Amar Kalbor

-VERSUS-

State of Maharashtra.

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

Court's or Judge's Orders

Shri A. R. Ingole, Advocate for appellant.
Mrs. S. S. Jachak, APP for respondent/State.

CORAM : VINAY JOSHI, J.

DATE : 06.04. 2021.

Hearing was conducted through Video
Conferencing.

2. This is an appeal of convicted accused in Special Case No. 59/2020. Learned Trial Court held appellant/accused guilty for the offence punishable under Section 354-D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012. For each of the proved offence, accused was sentenced to suffer rigorous imprisonment for one year and total fine of Rs. 2500/- has been imposed.

3. Issue notice to the respondent returnable after six weeks.

4. Learned APP waives service of notice for respondent/State.

CRIMINAL APPLICATION NO. 255/2021

5. This is an application seeking for suspension of execution of sentence. Learned counsel for appellant submitted that the appellant has fair chance of success. During pendency of trial, the appellant was on bail and after conviction, the Convicting Court has suspended execution of sentence to enable accuse to file appeal. The fine amount has already been deposited in the Trial Court. The maximum sentence imposed is a term of one year imprisonment. Having regard to the said facts, following order:-

(I) Application is allowed.

(II) Execution and implementation of the substantive sentence is passed in Special Case No. 59/2020 is hereby suspended till final disposal of appeal. In the meantime, the appellant – Naresh S/o Amar Kalbor be released on bail on his furnishing P.R. Bond of Rs. 15,000/- with one surety in the like amount.

JUDGE