

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

CRIMINAL APPEAL NO.187 OF 2021
WITH
CRIMINAL APPLICATION (APPA) NO.288 OF 2021

Ajay S/o Sukhdeorao Bobate

...**Versus**...

State of Maharashtra, through P.S.O., Wardha (City), District – Wardha.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. A. A. Naik, Advocate for the appellant/applicant
Ms. T. H. Udeshi, APP for Respondent/State.

CORAM : **N. B. SURYAWANSHI, JJ**

DATED : **29th APRIL, 2021.**

Heard.

Admit.

3. Call for Record and Proceedings.
4. The learned Addl. Public Prosecutor waives service for respondent/State.

CRIMINAL APPLICATION (APPA) NO.288 OF 2021.

5. The applicant/appellant seeks suspension of his substantive sentence by this application, filed under Section 389 (1) of the Code of Criminal Procedure. The applicant is convicted by the learned Extra Joint Additional Sessions Judge, Wardha in Special (Ch. Act) Case No.16 of 2018 and is sentenced

to suffer rigorous imprisonment for three years and to pay a fine of Rs.3,000/- and in default, to suffer further R.I. for three months under Section 8 of the Protection of Children from Sexual Offences Act, 2012. Under Section 354 of the Indian Penal Code, 1860, the applicant is also sentenced to suffer rigorous imprisonment for one year and is directed to pay a fine of Rs.500/- and in default, to suffer further R.I. for one month.

6. During the course of trial, the applicant was on bail and he has not misused the facility of bail. The applicant has deposited the fine amount before the trial Court. The substantive sentence against the applicant is suspended by the learned trial Judge after pronouncement of the judgment. Therefore, the applicant is entitled for suspension of his substantive sentence. Hence, the following order :

- i) Criminal Application No.288 of 2021 is allowed.
- ii) The substantive sentence of imprisonment passed against the applicant in Special (Ch.Act) Case No.16 of 2018, is hereby suspended on the same terms and conditions as are imposed by the learned trial Court.
- iii) The Criminal Application is disposed of.

(N. B. SURYAWANSHI, J.)