

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

CRIMINAL APPEAL NO. 258/2021

Gopal S/o Suresh Sharma **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 R. M. Patwardhan, Advocate for appellant.
Shri A. Kadukar, APP for respondent /State.

CORAM : VINAY JOSHI, J.

DATE : 14.07. 2021.

Hearing was conducted through Video
Conferencing.

2. Heard.

3. **Admit.**

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

5. Call for R. and P.

CRIMINAL APPLICATION NO. 370/2021

6. This is an application for seeking
suspension of execution of sentence in terms of Section

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389(1) of the Code of Criminal Procedure. The learned Trial Court convicted the appellant/accused for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offences Act, 2012. The maximum term of sentence imposed is of three years along with total fine of Rs. 4,000/-.

7. The applicant has deposited entire fine amount in the Trial Court as well as Trial Court has suspended the execution of sentence in terms of Section 389(3) of the Code of Criminal Procedure. Since the fixed term of the sentence has been imposed, the applicant is entitled for suspension of execution of sentence. In view of that, the following order:-

(I) Application stands allowed.

(II) Execution and implementation of sentence passed in Special Child Protection (POCSO) Case No. 223/2018 is hereby suspended till final disposal of appeal.

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(III) In the meantime, the appellant/applicant be released on bail on the same terms and conditions as imposed by the Trial Court while suspending the sentence after conviction.

JUDGE

Gohane.