

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

CRIMINAL APPLICATION NO. 380/2021 IN
CRIMINAL APPEAL NO. 269/2021

Vinod @ Manoj Bhimrao Mohod

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 Y. J. Sheikh, Advocate for applicant/appellant.
Shri M. J. Khan, APP for non-applicant/respondent

CORAM : VINAY JOSHI, J.

DATE : 05.08. 2021.

Heard.

2. This is an application seeking suspension of execution of sentence in terms of Section 389(1) of the Code of Criminal Procedure. The applicant was tried in Special (POCSO) Case No. 219/2016 and convicted for the offence punishable under Sections 363, 354-(A) (2), 354-B of the Indian Penal Code and under Section 10 of the Protection of Children from Sexual Offences Act, 2016. The Trial Court imposed maximum punishment of rigorous imprisonment of five years and to pay total fine of Rs. 2500/-. The appellant undertakes to deposit fine amount within a period of

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two weeks from the date of his release. It is submitted that the appellant was on bail during trial.

3. With the assistance of both sides, I have gone through the impugned judgment. Learned counsel for the appellant pointed towards some inconsistencies occurred in the evidence of victim and her mother. Moreover, it is submitted that though victim had admittedly informed the incident to her mother. On the date of occurrence, however, there is delay of six days in lodgement of First Information Report (FIR). In view of this submission, matter requires reconsideration.

4. The appellant is punished with fixed term of imprisonment of five years out of which he has already undergone two years of imprisonment. There are no chance of final hearing of appeal in near future. Having regard to these facts, execution and implementation of substantive sentence stands suspended till final disposal.

5. In the meantime, appellant is released on his furnishing P. R. Bond of rs. 25,000/- with one

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surety in the like amount.

4. The appellant shall deposit entire amount of Rs. 2500/- within two weeks in Trial Court, failing which the State can approach for revival of this order.

5. Application stands allowed and disposed of.

JUDGE

Gohane.