

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

CRIMINAL APPLICATION (APPA) NO. 448/2021 IN
CRIMINAL APPEAL NO. _____/2021

Anil S/o Bhagwan Solanke Vs. 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 N. A. Badar, Advocate for appellant/applicant.
Shri M. J. Khan, APP for respondent.

CORAM : VINAY JOSHI, J.
DATE : 23.08.2021.

Heard.

2. The appellant/applicant convicted accused is seeking for condonation of delay of 26 days caused in filing appeal to challenge the order of conviction. It is contended that since the appellant is in Jail, he was not able to take expeditious steps for filing appeal.

3. Having regard to the reasons, delay stands condoned.

4. Application stands allowed and disposed of.

CRIMINAL APPEAL NO. _____/2021.

1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for respondent.
4. Call for R. and P.

CRIMINAL APPLICATION (APPA) NO. _____/2021

1. The appellant/applicant is seeking for suspension of execution of sentence passed in Sessions Trial No. 99/2014 whereby he is convicted for the offence punishable under Sections 354-A, 354-D and Section 12 of the Protection of Children from Sexual Offences Act. The Trial Court has imposed sentence of imprisonment for the period of three years along with total fine of Rs. 7,000/-.
2. The learned counsel for the appellant took me through the impugned judgment to contend that the Trial Court erred in holding the appellant guilty for charged offence.

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3. Perused the copy of judgment and material made available on record.

4. It is particularly pointed out that the accused was released on bail during trial, however intermittent he was taken in custody. Obviously, that may be due to his absence in the Trial Court, however the record indicates that out of three years imprisonment, he was in Jail for the period of near about one year and three months. The appeal will take its own time for dispose of according to law.

5. Learned counsel for the appellant undertakes to deposit fine amount in the Trial Court on or before his release. In view of that, the appellant has made out a case. Hence, following order:-

(I) Application stands allowed and disposed of.

(II) Execution and implementation of substantive sentence passed by the Additional Sessions Judge, Akola in Sessions Trail No. 99/2014 is hereby suspended till disposal of appeal on his execution P. R. Bond of Rs. 25,000/- with one surety in the like amount and on depositing of entire fine amount in the Trial

Court.

(III) The learned Trial Court before accepting the bond, shall ensure that the entire fine amount is deposited in the said Court.

JUDGE

Gohane.