

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

CRIMINAL APPLICATION (APPA) NO. 596/2021 IN
CRIMINAL APPEAL NO. 427/2021

(Golu @ Shuddhodan S/o Ashok Ingle 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 A. S. Londhe, Advocate for applicant.
Shri A. R. Chutke, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 14.10. 2021.

Heard.

2. This is an application seeking suspension of execution of sentence passed in Special (Children Protection) Case No. 114/2019. The Trial Court held applicant/accused guilty for offence punishable under Section 354-A(1)(i) of the Indian Penal Code along with Sections 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act'). The applicant was sentenced to suffer rigorous imprisonment for 3 years along fine of Rs. 2000/-.

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3. Learned counsel for applicant submits that the Trial Court has failed to appreciate the evidence in proper perspective. He would submit that the Trial Court has not considered the admission given by witness in cross-examination. With the assistance of both sides, I have gone through the record as well as impugned judgment. Prima facie, the applicant has case for re-appreciation.

4. It is brought to the notice that the applicant is in Jail since 23.08.2019 till date. The Trial Court has imposed maximum sentence of imprisonment for 3 years, out of which, the applicant has already undergone imprisonment for two years and two months. The appeal will take its own time for disposal. Particularly having regard to the fact that the applicant has served major portion of sentence, his application for suspension of execution of sentence deserves to be allowed on this point. In view of that execution of

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substantive sentence passed in Special (Children Protection) Case No. 114/2019 stands suspended till the disposal of appeal. In the meantime, applicant is released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

5. Depositing fine of Rs. 2000/- shall be the condition president for his release.

6. The Trial Court shall ensure about deposit of fine amount before issuing release order.

JUDGE

Gohane.