

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

CRIMINAL APPEAL NO. 467/2021.

Atul Tulsiram Dhomne

-Versus-

State of Maharashtra, through Mouda Police Station, District Nagpur.

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

Court's or Judge's orders

Ms. P.S. Kosare, Advocate for the Appellant.
Shri S.M. Ghodeswar, A.P.P. for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 16, 2021

Heard.

2. **Admit.** Call for R & P.

Learned A.P.P. waives notice for the
Respondent.

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Criminal Application [APPA] No.635/2021.

Heard.

2. This is an application seeking suspension of execution of sentence passed in Special [POCSO] Case No.478/2020. The trial Court has convicted the appellant/applicant for the offence punishable under Sections 354, 354-A [1][i] of the Indian Penal Code and

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Sections 8 and 12 of the Protection of Children from Sexual Offence Act. The trial Court has imposed different quantum of punishment for each offence, however, the maximum term of imprisonment is rigorous imprisonment for three years. All sentences are ordered to run concurrently. The trial Court has imposed total fine of Rs.7000/-, with default clause.

3. The appellant/applicant was on bail during the trial and post conviction, the trial Court has suspended the execution of sentence, as stated in paragraph no.4 of the application. Moreover, the appellant/applicant has deposited entire fine amount.

4. Having regard to the fact that a fixed term of sentence is imposed, and there is no likelihood of appeal coming for final disposal in near future, the execution and implementation of the sentence imposed by the Extra Joint District Judge and Additional Sessions Judge, Nagpur in Special [POCSO] Case No.478/2020 vide judgment and order dated 23.10.2021 is suspended till the final disposal of the appeal.

In the meantime, the appellant/applicant shall be released on bail on same terms and conditions

Order

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as are imposed by the trial Court while suspending the sentence.

5. Criminal Application is accordingly disposed of.

JUDGE

Rgd.

RAKESH
GANESHLAL
DHURIYA

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by RAKESH
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