

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 439 OF 2022
IN
CRIMINAL APPEAL NO.99 OF 2022**

Kisan s/o. Jagannath Thavre	..Applicant
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.S.J.Salunke, Advocate for applicant
Mr.R.B.Bagul, APP for respondent no.1
Mr.A.A.Fulfagar, Advocate for respondent no.2 (appointed)

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 24, 2022**

ORDER :-

It is informed that the appointed advocate Ms.A.S.Jadhav has undergone a surgery and is, therefore, unable to work out the matter. Appearance of Ms.A.S.Jadhav, learned counsel, is discharged.

2. Mr.A.A.Fulfagar, learned counsel, is therefore, appointed to represent respondent no.2.

3. Heard learned counsel for the parties.

4. The applicant/appellant herein has been convicted for the offence punishable under Section 354 of Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and to pay

fine. He has been further convicted for the offence punishable under Sections 354-A(i) and (ii) of Indian Penal Code and under Section 7 read with Section 8 of the Protection of Children from Sexual offences Act, 2012 (POCSO Act). Since the victim was below 12 years of age, the applicant has also been convicted for the offence under Section 9(m) read with Section 10 and Section 42 of POCSO Act and directed to suffer rigorous imprisonment for five years and to pay fine.

5. Perused the evidence. Considering the fact that the appeal is not likely to come up for hearing in the near future, during pendency of the appeal, the substantive sentence of imprisonment to stand suspended.

6. The applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, on condition that he shall not indulge in any kind of offence.

7. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]