

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

**938 CRIMINAL APPLICATION NO.3539 OF 2022
IN APEAL/785/2022
MAHESH @ GUDDYA ANIL BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Anand L. Kanade, Advocate for the applicant

Mr. S. S. Shinde, Advocate for the respondent No.2 (appointed by this court)

Mrs. K. S. Kulkarni, Advocate for respondent No.2 (appointed by Legal Aid)

CORAM : KISHORE C. SANT, J.

DATE : 14th DECEMBER, 2022

P. C.

1. Heard the learned advocates for the parties.

2. Sentence imposed is of one year and maximum sentence awarded is 3 years for the offence punishable under Section 8 of the POCSO Act. His sentence is already suspended by the trial court and same was continued by this court by way of order dated 19-10-2022 since at that time respondent No.2 was not represented. Today respondent No.2 is represented by advocate appointed by the court through Legal Aid.

3. It is seen that by way of impugned judgment and order the applicant is held guilty for the offences punishable under Section 354 of the IPC and he is directed to suffer imprisonment for rigorous imprisonment for 1 year and to pay fine of Rs.2,000/-, in default to suffer rigorous imprisonment for 1 month and for the offence punishable under Section 8 of the POCSO Act he is directed to suffer rigorous imprisonment for 3 years and to pay fine of Rs.5,000/-, in default to suffer rigorous imprisonment for 2 months. He is further held guilty for the offence punishable under Section 506 of the IPC and is directed to suffer rigorous imprisonment for 6 months and to pay fine of Rs. 1000/-, in default to suffer rigorous imprisonment for 15 days.

4. Considering that the sentence is short sentence and appeal will not be heard in near future looking to the pendency of the appeal in this court. Therefore, it would be in the interest of justice to suspend the sentence. Hence, the following order.

ORDER

- a] Criminal Application stands allowed.
- b] Sentence awarded by the impugned judgment and order passed by the learned Additional Sessions Judge in Special (POCSO) Case No. 46/2016 dated 23-09-2022 stands suspended on same bail, fresh bond till the appeal is decided.

5. Since two advocates are engaged to represent respondent No.2 one by the Legal Aid and one by this court. Both are entitled to receive fees as per rules.

[KISHORE C. SANT, J.]