

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

**CRIMINAL APPLICATION NO.2709 OF 2021
IN
CRIMINAL APEAL NO.583 OF2021**

Sachin Shalan Pawar ... Applicant
Versus
The State of Maharashtra and another ... Respondents

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Mr. R. R. Karpe, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent No.1
Mr. Sambhaji Tarde, Advocate Appointed For R/2

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**CORAM : R. G. AVACHAT, J.
DATED : 10th JANUARY, 2022**

PER COURT :-

. Heard.

2. The applicant has been convicted for the offence punishable under Sections 354A of the Indian Penal Code and Section 42 of the Protection of Children from Sexual Offences (POCSO) Act and sentenced to suffer rigorous imprisonment for a period of five years and to pay fine of Rs.3,000/-, in default, to suffer rigorous imprisonment for three months.

3. Learned Advocate for respondent No.2 and the learned AGP strongly opposed for suspension of substantive sentence of imprisonment on the ground that victim was five years of age when the offence took place. The applicant is stated to be 33 plus.

4. Considered the submissions advanced. Perused the impugned judgment, particularly paras 12 and 15. Since the applicant has been behind the bars for the last two years, it will take time for the appeal to come up for hearing. The Court is inclined to suspend the substantive sentence of imprisonment.

5. In the fitness of things, the execution of substantive sentence of imprisonment to stand suspending pending the appeal. The applicant be released on his executing P. R. bond of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

6. The application stands disposed of.

7. The fees of Shri Sambhaji Tarde, learned Advocate, who was appointed for respondent No.2 is quantified at Rs.7,000/-.

[R. G. AVACHAT, J.]