

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

CRIMINAL APPLICATION (APPA) NO.44 OF 2022
IN
CRIMINAL APPEAL NO.30 OF 2022

Ratnadip @ Ratan Uttamrao Khobragade

Versus

State of Maharashtra, through P.S.O., P.S. Rajapeth, Tq. & Dist. Amravati and
another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.S. Wankhede, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 02/05/2022

1. This is an application for suspension of sentence and grant of bail.

2. The appellant has convicted under Sections 7 and 8 of the POCSO Act and sentenced to suffer Rigorous Imprisonment for four years and to pay fine of Rs.5,000/-, in default, the appellant shall suffer Rigorous Imprisonment for six months.

The appellant has further convicted under Sections 11 and 12 of the POCSO Act and sentenced to suffer Rigorous Imprisonment for one year and to pay fine of Rs.5,000/-, in default, the appellant shall suffer Rigorous Imprisonment for six months.

3. Shri Wankhede, learned counsel for the applicant submits that the impugned judgment and order is perverse and without considering the evidence in right perspective, the applicant has been convicted. It is submitted that the applicant is having very good case on merit and there is every likelihood that he would succeed in the present matter. Lastly, he submitted that the applicant was on bail during the trial and there is no abuse of concession by the applicant.

4. Shri V.A. Thakare, learned APP opposes the present application and submits that the applicant has been convicted and sentenced to suffer Rigorous Imprisonment for ten years.

5. Having perused the findings recorded by the learned Sessions Court while convicting the applicant, I am of the opinion that reappreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future and as the applicant was on bail during the trial, I am of the opinion that the present application needs to be allowed. Hence, I pass the following order:

- a) The criminal application is **allowed**.
- b) The substantive sentence imposed by the learned Extra Joint Additional Sessions Judge, Amravati in Special Case No.46 of 2018 vide

judgment and order dated 21.12.2021, is suspended till disposal of the appeal.

c) Bail as in the trial Court with fresh bond.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]