

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

CRIMINAL APPLICATION (APPA) NO. 113/2022
IN
CRIMINAL APPEAL NO.79/2022

Karan Samadhan Damodar Vs State of Maha., thr.P.S.O., Dabki Road, Akola, Tq. & Dist. Akola 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 A.S.Londhe, Counsel for the Applicant.

Shri M.J.Khan, APP for the Non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : 11/04/2022.

1. Heard Shri A.S.Londhe, learned counsel for the applicant and Shri M.J.Khan, learned APP for the Non-applicant No.1/State. None appeared for the Non-applicant No.2, though served.

2. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.

3. The learned Extra Joint District Judge and Additional Sessions Judge, Akola, vide its judgment and order dated 05/02/2022, passed in Sessions Trial No. 28/2020, convicted the applicant for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous

imprisonment for three years and to pay fine of Rs. 5000/-, in default of payment of fine, he shall suffer further simple imprisonment for three months. He has also convicted for the offence punishable under Section 354-D of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/-, in default of payment of fine, he shall suffer further simple imprisonment for three months. He has further convicted for the offence punishable under Section 11, punishable under Section 12 of the Protection of Children from Sexual Offences Act (POCSO Act) and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 5000/-, in default of payment of fine, he shall suffer further simple imprisonment for three months.

4. Learned counsel for the applicant has pointed out that the applicant was on bail during the trial. He has further submits that he has very good case on merit and there is every likelihood that he would succeed in the present matter.

5. On the other hand, learned APP opposes the present application.

6. I have perused the impugned judgment and findings recorded by the learned trial Court, I am of the opinion that in this case re-appreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present

application needs to be allowed. Hence, I pass the following order:

i] Criminal application is **allowed**.

ii] The substantive sentence imposed by the learned Extra Joint District Judge and Additional Sessions Judge, Akola in Sessions Trial No. 28/2020, vide judgment dated 05/02/2022, is suspended till disposal of the appeal;

iii] The applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

The Criminal Application is **disposed** of, accordingly.

Criminal Appeal No. 79/2022

Heard.

Admit.

Shri M.J.Khan, learned APP waives notice for respondent No.1/State.

[JUDGE]

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Signed By: RAJESH K
NANDURKAR

Signing Date: 12.04.2022 17:40