

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

CRIMINAL APPLICATION (APPA) NO.109 OF 2022
IN
CRIMINAL APPEAL NO.214 OF 2020

Kishore @ Kalu Pannalal Darsinbe .Vs. State of Maharashtra, through P.S.O., P.S.
Dharni, 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 P.R. Agrawal, Advocate for the applicant.

Shri S.D. Sirupurkar, A.P.P. for the non-applicant No.1/State.

Shri S.D. Paul, Advocate of the non-applicant No.2 (Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 09/12/2022

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

2. The applicant was convicted for the offence under Sections 376(2)(i) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.10,000/-, in default to pay fine, further to suffer rigorous imprisonment for one year.

3. In absence of Chemical Analysis report as regards saliva and non-examination of friend of the victim Saloni who as per the oral testimony of the victim was

present at the time of incident and considering that the conviction is solely based on the victim's evidence, I am of the opinion that, revisit to the entire material is necessary.

5. The applicant was on bail through out the trial and moreover, there is no possibility that in near future this matter would come up for final hearing in near future. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge-1, Achalpur in Spl.(POCSO) Case No.39 of 2014 vide judgment and order dated 29.02.2020, is suspended, till disposal of the appeal.
- iii. Bail as the trial Court with fresh Bonds.

JUDGE