

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

Criminal Appeal No. 85 of 2022

Sandeep S/o Bharat Thakare

Versus

State of maharashtra, through PSO, Police Station Kurha, Amravati

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

Court's or Judge's Order

Shri P.V.Navlani, Advocate for the applicant.

Shri M.J.Khan, APP for the respondent/State.

Shri Vikrant Vishwarupe, Advocate for the respondent
no.2.

CORAM : ANIL S. KILOR, J.

DATED : 18th APRIL, 2022.

Heard learned counsel for the respective
parties.

2. **Admit.**

3. Call for record and proceedings.

4. Shri M.J.Khan, APP waives service of notice
for the respondent no.1/State and Shri Vishwarupa,
learned advocate waives service of notice for the
respondent no.2.

Criminal Application (APPA) No. 119 of 2022.

This is an application filed under Section 389 of Code of Criminal Procedure for suspension of sentence and grant of bail. The applicant has filed appeal against conviction challenging the judgment and order dated 20th January, 2022 passed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Special Case No. 254 of 2016, convicting the appellant for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.1,000/-, in default of payment of fine accused to undergo simple imprisonment for one month.

2. I have perused the findings recorded by the learned Sessions Judge in the impugned judgment and order and thereupon, I am of the opinion that reappraisal and re-appreciation of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. This application needs to be allowed. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. The sentence imposed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Special Case No. 254 of 2016 vide judgment and order dated 20th January, 2022, is suspended till disposal of the appeal.
- iii. The appellant shall be released on bail on his executing P.R.Bond for Rs.15,000/- with one solvent surety in the like amount.

[ANIL S. KILOR, J.]

SACHINDANAND
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