

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

**Criminal Application (APPA) No. 116 of 2022
in
Criminal Appeal No.82 of 2022**

Waman Kisan Ghanghav

Versus

State of Maharashtra, through its Police Station Officer, Police Station
Risod, Washim 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 M.N.Ali, Advocate for the appellant.

Shri V.A.Thakare, APP for the respondent/State.

Ms. Deepali Sapkal, appointed Advocate for the victim.

CORAM : ANIL S. KILOR, J.

DATED : 6th DECEMBER, 2022.

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

2. The applicant has filed an appeal challenging the judgment and order dated 14th January, 2022 passed by the learned Sessions Judge, Washim in Special Child Prot. Case No. 14 of 2020, convicting the appellant for the offence punishable under Section 354 of Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/- in default of payment of fine amount he

shall suffer rigorous imprisonment for a period one month. He is further convicted for the offence punishable under Section 354-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- in default of payment of fine amount he shall suffer rigorous imprisonment for a period of fifteen days. He is further convicted for the offence punishable under Section 8 of Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for a period of three years and to pay a fine of Rs.1000/- in default of payment of fine amount he shall suffer rigorous imprisonment for a period of one month.

3. Shri Ali, learned counsel for the applicant submits that the applicant was on bail during the trial. He further submits that applicant is having a very good case and there is every likelihood that he would succeed in the present appeal.

4. On the other hand Shri Thakare, learned Additional Public Prosecutor on behalf of respondent/State opposes the present application.

5. I have perused the findings recorded by the learned Sessions Judge and thereupon, I am of the

opinion that appellant is having arguable case 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. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. The sentence imposed by the Sessions Judge, Washim in Special Child Prot. Case No. 14 of 2020 vide judgment and order dated 14th January, 2022 is suspended till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

[ANIL S. KILOR, J.]

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