

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

Criminal Appeal No. 127 of 2022

Sanjay S/o Dhanraj Kamthe

Versus

State of Maharashtra, through its Police Station Officer, Police Station
Ambazari Police Station, Ambazari, Nagpur

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

Court's or Judge's Order

Shri A.D.Kataria, Advocate for the applicant.

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

Shri R.D.Hajare, appointed advocate for the respondent
no.2/complainant

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 Hajare, learned
appointed Advocate waives service of notice for the
respondent no.2.

Criminal Application No. 164 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 7th December, 2021 passed by the learned Extra Joint District Judge & Additional Sessions Judge, Nagpur in Special (POCSO) Case No. 147 of 2013, convicting the appellant for the offence punishable under Section 354-A(1)(i) of Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.1,000/-, in default of payment of fine accused to undergo simple imprisonment for one month. He further convicted for the offence punishable under section 11(iv) read with section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and sentenced to suffer rigorous imprisonment for two 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 Extra Joint District Judge & Additional Sessions Judge, Nagpur in Special (POCSO) Case No. 147 of 2013 vide judgment and order dated 7th December, 2021, 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.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.04.19
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