

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

CRIMINAL APPEAL NO.171 OF 2022

(ROSHAN ASHOK CHAKRANARAYAN....VS.. STATE OF MAH. THR. PSO PINJAR, AKOLA & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S.Londhe, Advocate for the Appellant/Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MAY 04, 2022.

1. Heard.
2. ADMIT.
3. Shri V.A.Thakre, learned APP waives service on behalf of respondent/State.
4. Call for the record and proceedings.

CRI.APPLN.NO. 216/2022.

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

6. The applicant has filed appeal against conviction challenging the judgment and order dated 11th March, 2022 passed by Extra Joint District Judge & Additional Sessions Judge, Akola in S.T. No.37 of 2017, convicting the applicant for the offences

punishable under Sections 354, 354-D, 506 of the Indian Penal Code and Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and thereby sentenced to suffer rigorous imprisonment for five years for the offence punishable under Section 354 of the Indian Penal Code and to pay fine of Rs.5,000/-, so also three years and fine of Rs.5,000/- for the offence punishable under Section 354-D of the Indian Penal Code, two years and fine of Rs.5,000/- for the offence punishable under Section 506 of the Indian Penal Code and five years and fine of Rs.5,000/- for the offence under Section 7, punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

7. The learned counsel for the applicant submits that the impugned judgment and order is perverse and there is every likelihood that the appellant would succeed in the present appeal. He further submits that the applicant was on bail during the trial and never misused the liberty granted to him.

8. The learned A.P.P., on the other hand, opposes the present application.

9. Having considered the findings recorded by the learned trial Court while convicting the applicant, I am of the opinion that re-appreciation and reappraisal of the evidence is necessary in this case. The applicant was on bail during pendency of the trial and there is no complaint about abuse of the concession by the applicant. Moreover, there is no likelihood that present appeal would come up for final hearing in near future. Accordingly, 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.37 of 2017 vide judgment and order dated 11/03/2022, is suspended till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

JUDGE

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