

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

CRIMINAL APPLICATION (APPA) NO.278 OF 2022
IN
CRIMINAL APPEAL NO.223 OF 2022

DHANPAL S/O RAJKUMAR CHAUDHARY
 VS
 STATE OF MAH. THR. PSO PS PARSHIONI DIST.NAGPUR

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

Court's or Judge's Order

Shri I.G. Meshram, Advocate for the appellant/applicant
 Shri S.A. Ashirgade, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 12th April, 2022.

Heard learned counsel for the respective parties.

2. Leave to add victim as party-respondent is granted.
3. Amendment be carried out within one week.
4. **Admit.**
5. Call for the record and proceedings.
6. Shri Ashirgade, learned A.P.P. waives service of notice for the
 Respondent/State.

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CRIMINAL APPLICATION (APPA) NO.278/ 2022

7. The applicant is praying for suspension of sentence and grant of bail.

8. The applicant was convicted vide judgment and order dated 05.02.2022 passed by the Additional Sessions Judge-8, Nagpur for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer simple imprisonment for one year and to pay fine of Rs.500/-, in default to suffer simple imprisonment for seven days and further convicted 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.5,000/-, in default to suffer rigorous imprisonment for one month.

9. The learned counsel for the applicant states that he is having a very good case and on merit, there is a every likelihood that the applicant would succeed in the present matter.

10. I have perused the findings recorded by the learned Sessions Judge. In this case, reappraisal and reappraisal of the evidence is necessary. Moreover, there is no likelihood that this matter would come up for final hearing in near future.

11. In the circumstances, the application is **allowed** and the sentence imposed by the learned Additional Sessions Judge-8, Nagpur in SPL. POCSO Case No.40 of 2019, vide judgment dated 05.02.2022, is suspended till disposal of the appeal and the appellant/applicant shall be released on bail on his executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

12. The applicant/appellant shall attend the concerned Police Station as the when his presence is required.

The Criminal Application is **disposed** of, accordingly.

[JUDGE]