

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

CRIMINAL APPEAL NO.243 OF 2022

SHYAMDAS S/O SHYAMRAO JAMKAR

VS

THE STATE OF MAH. THR. PSO PS CHIKHALDARA TQ.CHIKHALDARA DIST.AMRAVATI
AND ANR.

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

Court's or Judge's Order

Shri A.P. Thakare, Advocate for the appellant/applicant

Shri M.J. Khan, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 28th April, 2022.

Heard.

2. Leave to add victim as party-respondent, is granted.
3. Amendment be carried out forthwith.
4. **Admit.**
5. Shri Khan, learned APP waives service of notice on behalf of respondent/State.
6. Call for the record and proceedings.

Criminal Application (APPA) No.309 of 2022

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

8. The applicant has filed appeal against conviction challenging the judgment and order dated 22.02.2022 passed by the learned Additional Sessions Judge, Court No.2, Achalpur in Spl. Case No.20 of 2021, convicting the applicant for the offence punishable under Section 7 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default to suffer further simple imprisonment for one month.

9. I have perused the findings recorded by the learned Sessions Court in the impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal 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:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Additional Sessions Judge, Court No.2, Achalpur in Spl.

Case No.20 of 2021 vide judgment and order dated 22.02.2022, is suspended till disposal of the appeal.

iii. The applicant shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.

[JUDGE]