

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

CRIMINAL APPEAL NO.406 OF 2022

Balaji @ Balu Mahadev Puri .Vs. State of Maharashtra, through Raipur Police
Station, Tq. & Dist. Buldhana 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 Kabir Meshram, Advocate for the appellant.
Shri S.D. Sirpurkar, A.P.P. for the respondent No.1/State.
Shri A.S. Shukle, Advocate for the respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 06/10/2022

1. Heard.
2. **Admit.**
3. Call record and proceedings.
4. Shri S.D. Sirpurkar, learned APP waives service of notice to the respondent No.1/State.
5. Shri A.S. Shukla, learned counsel waives service of notice to the respondent No.2.

CRIMINAL APPLICATION (APPA) NO.492 OF 2022

6. This is an application for suspension of sentence.
7. The appellant has convicted under Section 363 r/w Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years with fine of Rs.1,000/- in default to suffer simple imprisonment for one month each. The appellant has further convicted under Section

366-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for five years with fine of Rs.2,000/- in default to suffer simple imprisonment for two months.

8. The learned trial Court vide order dated 21.04.2022, suspended the sentence till the appeal period is over.

9. In that view of the matter and after going through the impugned judgment, I am of the opinion that it is necessary to re-look the matter afresh.

10. The application is **allowed** and sentence imposed by the learned Judge, Special Court, Buldhana in Special (POCSO) Case No.03 of 2017 vide judgment dated 21.04.2022, is suspended till disposal of the appeal and appellant shall be released on bail on his executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

The application is **disposed of**, accordingly.

JUDGE