

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

CRIMINAL APPEAL NO.351 OF 2022

SATYAPRAKASH S/O BHIMRAO NARNAWARE VS STATE OF MAH. THR.
PSO PS KELWAD TAH. SAONER DIST. NAGPUR.

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

Court's or Judge's Order

Ms Nayna A. Dobade, adv. h/f Shri Dobade, Advocate for applicant/appellant
Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 07.12.2022.

Heard.

2. **Admit.**

3. The learned APP waives service of notice on behalf of respondent/State.

4. Call for the record and proceedings.

5. The appellant shall file paper book within ten weeks from today.

6. Office is directed to place this matter for final hearing in the week commencing from 13.03.2023.

Criminal Application No.414 of 2022

7. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.

8. The applicant was convicted for the offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer imprisonment for six months and to pay fine of Rs.500/-, in default to pay fine, further to suffer simple imprisonment for one month.

9. The applicant was further convicted for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.500/-, in default to pay fine, further to suffer simple imprisonment for one month.

10. The applicant was further convicted for the offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer imprisonment for three years and to pay fine of Rs.1,000/-, in default to pay fine, further to suffer simple imprisonment for one month.

11. The applicant was further convicted for the offence under Section 12 of the Protection of Children

from Sexual Offences Act, 2012 and sentenced to suffer imprisonment for one year and to pay fine of Rs.500/-.

12. I have perused the findings recorded by the learned Additional Sessions Judge, Nagpur 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. There is one more ground is that the applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Jt. District Judge, & Additional Sessions Judge, Spl. Court No.2 (POCSO), Nagpur in Special (POCSO) Case No.32 of 2020 vide judgment and order dated 28.04.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]