

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

CRIMINAL APPEAL NO.623 OF 2022

AKSHAY SIDDHARTHA DHANVIJAY

VS

THE STATE OF MHA. THR. PS BHIWAPUR DIST.NAGPUR 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 C.R. Thakur, Advocate for applicant/appellant
Shri S.D. Sirpurkar, APP for the State / Non-applicant
Ms Rekha Godbole, Adv. for the victim

CORAM : ANIL S. KILOR, J.

DATED : 08.12.2022.

Heard.

2. **Admit.**

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

Criminal Application No.804 of 2022

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

5. The applicant was convicted for the offence punishable under Section 376(2)(n) of the Indian Penal

Code and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.10,000/-, in default to pay fine, further to suffer rigorous imprisonment for six months.

6. After going through oral testimony of the victim, wherein she has admitted that at the time of incident, she was above 18 years and further going through the findings recorded by the trial Court, I am of the opinion that revisit to the entire evidence is necessary. Further the applicant was on bail during the trial.

7. Considering the fact that the present appeal will not come up for hearing in near future and in the above referred backdrop, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Joint Additional Sessions Judge, (Special Judge, POCSO Court), Nagpur in Spl. Cri. (Child) Case No.329 of 2018 vide judgment and order dated 01.07.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]

Digitally signed by NIRANJAN
DOMAJI THAWRE
Signing Date: 08.12.2022
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