

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 585 OF 2022

Ashok S/o. Pandurang Falke

...**VERSUS**...

State of Maharashtra thr. P.S.O. Deoli, Tq. Deoli, Distt. Wardha and anr.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri D.R.Bhoyar, Advocate for appellant.

Ms. T.H.Udeshi, APP for respondent no. 1/State.

Shri Abhishek S. Shukla, Advocate (appointed) for respondent no. 2.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 30th SEPTEMBER, 2022.

Admit.

2. R & P be called.
3. The appellant shall remain present at the time of final hearing.

Criminal Application (APPA) No. 755 of 2022

The instant application is filed for suspension of sentence and releasing the appellant on bail.

2. The present appeal is filed against the judgment and order dated 10/08/2022 passed by learned Extra Joint Additional Sessions Judge and Special Judge (POCSO), Wardha in Spl. (Child Act) Case No. 39/2020. By this judgment, the appellant was convicted for the offences punishable under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (in short, POCSO Act) and Section 354 of Indian Penal Code (in short, IPC) and thereby sentenced him to suffer rigorous imprisonment for 3 years and to

pay a fine of Rs. 3,000/- in default, to suffer further simple imprisonment for 3 months for the offence punishable under Section 8 of POCSO Act. He was further sentenced to suffer rigorous imprisonment for 1 year and to pay a fine of Rs. 1,000/-, in default, to suffer further simple imprisonment for one month for the offence punishable under Section 12 of POCSO Act. The appellant was also sentenced for rigorous imprisonment for 2 years and to pay a fine of Rs. 2,000/-, in default, to suffer further simple imprisonment for 2 months for the offence punishable under Section 354 of IPC.

3. It is submitted that during the trial, the accused was on bail and there is no incident of abusing the liberty granted to him. It is further submitted that he is having good case on merit. Considering the quantum of punishment, I find that it would be difficult to take the matter on priority in near future. Hence, it would be appropriate to suspend execution of substantive sentence during the pendency of appeal. Accordingly, I proceed to pass the following order:-

ORDER

- i) The execution of substantive sentence by order dated 10/08/2022 awarded by the Extra Joint Additional Sessions Judge and Special Judge (POCSO), Wardha in Spl. (Child Act) Case No. 39/2020 is hereby suspended.
- ii) The appellant/accused be released on the same terms and conditions and on the same bail bond which was executed before Trial Court.

(Smt. M.S. Jawalkar, J.)