

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

CRIMINAL APPEAL NO.699 OF 2022

SURAJ S/O KUNDAN PARATE VS STATE OF MAH. THR. PSO PS HUDKESHWAR 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

Ms Sunita Kulkarni, Advocate for applicant/appellant
Shri N.R. Rode, APP for the State / Non-applicant
Shri Chande, Adv. For the victim

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.

Criminal Application No.918 of 2022

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

6. The applicant was convicted for the offence under Section 363 of the Indian Penal Code and sentenced to

suffer rigorous imprisonment for three years and to pay fine of Rs.1,000/-, in default to pay fine, further to suffer imprisonment for one month.

7. The applicant was further convicted for the offence under Section 376(2)(n) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for ten years.

8. Victim is personally present before this Court and states that she has no objection for suspension of sentence and grant of bail.

9. 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-4 and Addl. Sessions Judge, Nagpur,

Special Court (POCSO), Nagpur in Spl. Case Child Prot. No.297 of 2019 vide judgment and order dated 22.04.2022, is suspended, till disposal of the appeal.

iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]