

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

CRIMINAL APPEAL NO.689 OF 2022
WITH
CRIMINAL APPLICATION (APPA) NO.903 OF 2022

(PRAFUL GULABRAO GOHATE .VS.. STATE OF MAH. THR. PSO, PS
KALAMNA & ANR.)

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

Court's or Judge's Order

Shri Hemant Jha, Advocate for Appellant.
Shri N.R. Rode, APP for the State / Respondent No.1.
Shri R.S.Akbani, Advocate for Respondent No.2.

CORAM : ANIL S. KILOR, J.

DATED : 07.12.2022.

CRI.APPEAL NO.689/2022.

1. Heard.
2. ADMIT.
3. The learned APP waives service of notice on behalf of respondent No.1/State.
4. Call for the record and proceedings.

CRI.APPLN.NO.903/2022

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

6. The applicant was convicted for the offences under Sections 354-A, 354-B of the Indian Penal Code and Section 9(m) and (n) punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for five years and three years respectively and to pay fine in total Rs.4,000/-, for both the offences in default to suffer rigorous imprisonment for four months.

7. I have perused the findings recorded by the learned Extra Joint 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. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Joint Additional Sessions Judge, Nagpur in Special Case No.10 of 2022 vide judgment and order dated 21.07.2022, is suspended, till disposal of the appeal.

- iii. The applicant be released on bail on his executing P.R. Bond in the sum of Rs.Twenty Five Thousand with one solvent surety in the like amount.
- iv. Bail before the Trial Court.

The Criminal Application is **disposed of** accordingly.

[JUDGE]