

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

CRIMINAL APPEAL NO. 664 OF 2022

Roshan @ Khatya s/o Diwakar Pohankar

Versus

State of Maharashtra, through P.S.O., Chandrapur, District Chandrapur 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 Mahesh Rai, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 04/10/2022

Heard.

2. **Admit.**
3. Call for record and proceedings.
4. Shri S.D.Sirpurkar, learned APP waives service of notice for the non-applicant No.1/State.

Criminal Application (APPA) No. 861/2022

1. This is an application filed under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.
2. The applicant has been convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 read with Section 354, 354-A(1) of the Indian Penal Code and he shall undergo rigorous imprisonment for three years and shall pay a fine of Rs. 500/- in default, R.I. for one month, vide Section 235(2) of the Code of Criminal

Procedure and Section 294 of the Indian Penal Code and shall undergo simple imprisonment for two months and shall pay a fine of Rs. 200/- in default, simple imprisonment for 15 days vide Section 235(2) of the Code of Criminal Procedure.

3. The applicant is on bail during the pendency of trial.

4. I have perused the impugned judgment and order and findings recorded by the learned trial Court, I am of the opinion that in this case re-appreciation and reappraisal of the evidence is necessary. Moreover, as there is no likelihood that this matter would come up for hearing in near future, the present application needs to be allowed. Hence, I pass the following order:

- i] Criminal application is **allowed**.
- ii] The substantive sentence imposed by the learned Special Judge, Special Court (POCSO), Chandrapur in Special POCSO Case No.72/2018 vide judgment dated 22/09/2022, is suspended till disposal of the appeal;
- iii] The applicant shall be released on bail on executing P.R. Bond for Rs.15,000/- with one solvent surety in the like amount.

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

[ANIL S. KILOR, J.]