

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

CRIMINAL APPEAL NO.692 OF 2022

SHUBHAM VISHVESHWAR DHUNDE VS THE STATE OF MHA. THR. PSO PS LAKADGANJ
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 Shaharukh, Adv. h/f Shri R.M. Nikure, Advocate for applicant/appellant
Shri N.R. Rode, APP for the State / Non-applicant

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.913 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 8 of the Protection of Children from Sexual

Offences Act, 2012 and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5,000/-, in default to pay fine, further to suffer rigorous imprisonment for one month.

7. The applicant was further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.3,000/-, in default to pay fine, further to suffer rigorous imprisonment for 15 days.

8. 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 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 Joint Additional Sessions Judge, (Special Judge, POCSO Court), Nagpur in Spe. Cri. (Child) Case

No.466 of 2021 vide judgment and order dated 23.09.2022, is suspended, till disposal of the appeal.

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

[JUDGE]