

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

CRIMINAL APPLICATION (APPA) NO.940 OF 2022
IN
CRIMINAL APPEAL NO.715 OF 2022

MUSHTAK SHAH YAKUB SHAH
VS
THE STATE OF MAH. THR. PSO PS BENODA TAH. AND DIST.AMRAVATI 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 T.U. Tathod, Advocate for applicant
Shri S. D. Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 25.11.2022.

1. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.
2. The applicant was convicted for the offence punishable 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.3,000/-, in default to pay fine, further to suffer Rigorous Imprisonment for three months.
3. The applicant was further convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and

sentenced to suffer rigorous imprisonment for three years and also to pay fine of Rs.3,000/-, in default to pay fine, further to suffer Rigorous Imprisonment for three months.

4. The applicant was further convicted for the offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2,000/-, in default to pay fine, further to suffer simple Imprisonment for one month.

5. I have perused the findings recorded by the learned Additional Sessions Judge, Amravati 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 throughout the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.

- ii. The order granting suspension of sentence dated 19.10.2022, is hereby confirmed, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]

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