

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

CRIMINAL APPEAL NO. 807 OF 2022

Tejas s/o Sudhakar Patil .Vs. State of Maharashtra, thr. PSO P.S. Koradi, Dist. 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

Mr D.U.Thakre, Advocate for the appellant.

Mr V.A.Thakre, A.P.P. for the respondent No.1/State.

Mrs Kirti Deshpande, Advocate for the respondent No.2 (appointed)

CORAM : ANIL S. KILOR, J.

DATED : 06/12/2022

1. Heard.
2. **Admit**
3. Call for record and proceedings.
4. Mr V.A.Thakre, learned APP waives service of notice for the respondent No.1/State.
5. Mrs Kirti Deshpande, learned Advocate waives service of notice for the respondent No.2/victim .

CRIMINAL APPLICATION (APPA) NO. 1036/2022

6. This is an application for suspension of sentence and for grant of bail.
7. The appellant/applicant is convicted for the offence punishable under Section 11 read with Section 12 of the POCSO Act 2012 and he is sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs. 2,000/-. In default to to pay fine further rigorous imprisonment for one month.

The appellant/applicant is further convicted for the offence punishable under Sections 354, 354-A, 341, 323 and 506 of the Indian Penal Code but as per Section 12 of POCSO Act 2012, no separate sentence is provided under these sections as the accused is already sentenced under Section 11 read with Section 12 of the POCSO Act, 2012 which is greater in degree. The above said fine amount was reported to be deposited by the appellant/applicant.

8. After going through the judgment, I am of the opinion that it is necessary to re-look the matter afresh. It is also submitted that the appellants/applicants were on bail during pendency of the trial.

9. In that view of the matter, I pass the following order:

- i) The Criminal Application is **allowed**.
- ii) The sentence imposed on the appellant/applicant by impugned judgment and order dated 19/10/2022 is suspended.
- iii) The appellant/applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- iv) Bail before the lower Court.

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