

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

CRIMINAL APPEAL NO. 851 OF 2022

Jitendra Vilasrao Kadu .Vs. State of Maharashtra, thr. PSO, P.S. Warud District 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 S.B.Gandhe, Advocate for the appellant.

Shri N.R.Rode, A.P.P. for the respondent No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 06/12/2022

1. Heard.
2. **Admit**
3. Call for record and proceedings.
4. Shri N.R.Rode, learned APP waives service of notice for the respondent No.1/State.

CRIMINAL APPLICATION (APPA) NO. 1108/2022

5. This is an application for suspension of sentence and for grant of bail.
6. The appellant/applicant is convicted for the offence punishable under Section 452 of the Indian Penal Code, 1860 and he is sentenced to suffer rigorous imprisonment for Three years and to pay fine of Rs. 2,000/- (Rs. Two Thousand only), in default to suffer rigorous imprisonment for three months.

The appellant/applicant is further convicted for the offence punishable under Section 509 of the Indian Penal Code, 1860 and he is sentenced to suffer rigorous imprisonment for One year.

The appellant/applicant is further convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and he is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs. 2000/- (Rs. Two thousand only), in default to suffer rigorous imprisonment for three months.

The appellant/applicant is further convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and he is sentenced to suffer rigorous imprisonment for One year and to pay fine of Rs. 2000/- (Rs. Two thousand only), in default to suffer rigorous imprisonment for three months. The above said fine amounts were reported to be deposited by the appellant/applicant.

7. 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 appellant/applicant was on bail during pendency of the trial.

8. 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.

JUDGE