

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

CRIMINAL APPEAL NO.861 OF 2022

RITIK S/O VISHWESHWAR TUMDAM VS STATE OF MHA. THR. PSO WARDHA (CITY)
DIST.WARDHA 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 M.V. Rai, Advocate for applicant/appellant
Shri S.D. Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 15.12.2022.

1. 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.1117 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 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 simple imprisonment for three months.

7. I have perused the findings recorded by the learned trial Court 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 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 Court), Wardha in Spl. (Ch. Act) Case No.112 of 2019 vide judgment and order dated 10.11..2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]

Digitally signed byNIRANJAN
DOMAJI THAWRE
Signing Date:15.12.2022
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