

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

CRIMINAL APPEAL NO.875 OF 2022

JITENDRA S/O GULAB BARSAGADE VS THE STATE OF MHA. THR. PSO PS PAUNI TAH.PUNI
DIST.BHANDARA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Komal Gaur, 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.1133 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 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 to pay fine of Rs.3,000/-, in default to pay fine, further to suffer simple imprisonment for three months.

8 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 Additional Sessions Judge, (Special Judge, POCSO),

Bhandara in Special Case (Child Protection) No.13 of 2020 vide judgment and order dated 08.12.2022, is suspended, till disposal of the appeal.

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

[JUDGE]