

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

CRIMINAL APPEAL NO.892 OF 2022

Akash S/o Wamanrao Sathone .Vs. State of Maharashtra, through P.S.O., P.S. Wardha
City, Tah. & Dist. Wardha.

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

Court's or Judge's Order

Shri S.A. Shrivastava, Adv. h/f Shri U.E. Quazi, Adv. for the applicant.
Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/12/2022

1. Heard.
2. **Admit.**
3. The learned APP waives service of notice on behalf of the respondent/State.
4. Call record and proceedings.

CRIMINAL APPLICATION (APPA) NO.1159 OF 2022

5. This is an application for suspension of sentence and grant of bail.
6. The applicant was convicted for the offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act") and sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs.5,000/-, in default to suffer simple imprisonment for six months.

The applicant was further convicted for the offence punishable under Section 367 read with Section 34 of the

Indian Penal Code and sentenced to suffer rigorous imprisonment for four years and to pay fine of Rs.3,000/-, in default to suffer simple imprisonment for three months..

The applicant was further convicted for the offence punishable under Section 324 read with Section 34 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.1,000/-, in default to suffer simple imprisonment for two 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 is on bail during the trial. Accordingly, I pass the following order:

- i. The criminal application is **allowed**.
- ii. The sentence imposed by the learned Extra Jt. Additional Judge and Spl. Judge, Wardha, in Spl. (Ch.Act) Case No.27 of 2018 vide judgment and order dated 20.10.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE