

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

CRIMINAL APPEAL NO.890 OF 2022

Kartik @ Nageshwar S/o Vikas Borkar .Vs. State of Maharashtra, through P.S.O.
Panchpaoli, 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

Shri Sk. Sabahat Ullah, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant No.1/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.1156 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 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as "POCSO Act") and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2,000/- in default, to undergo rigorous imprisonment for three months.

The applicant was further convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.500/- in default to suffer rigorous imprisonment for seven days.

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 Sessions Judge, (Special Judge, POCSO Court) Nagpur, in Spl.Cri.(Child) Case No.548 of 2021 vide judgment and order dated 25.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE