

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

CRIMINAL APPEAL NO.889 OF 2022

Munesh S/o Bhageshwar Moon .Vs. State of Maharashtra, through P.S.O. Sewagram,
Wardha

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 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.1155 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.1,000/-/

in default, to undergo simple imprisonment for three months.

7. The applicant was further convicted for the offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.500/- in default to suffer simple imprisonment for three months.

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

9. Out of fine amount, amount of Rs.1,000/- be paid to victim as a compensation under Section 357(1) of the Code of Criminal Procedure and in addition to that the District Legal Services Authority may decide the quantum of compensation to be awarded to the victim, under the victim compensation scheme, set out in Rule 7 of the POCSO Act read with Section 357-A of the Cr.P.C.

10. 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 Spl. Judge (POCSO Act), Wardha, in Spl. POCSO Sessions Case No.57 of 2016 vide judgment and order dated 22.11.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

JUDGE