

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

**CRIMINAL APPEAL NO.895 OF 2022**

Manish Ravindra Choudhary .Vs. State of Maharashtra, through P.S.O., P.S.  
Khaparkheda, Dist. Nagpur Rural and another

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

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Court's or Judge's Order

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Shri A.D. Dangore, Advocate for the applicant.

Shri N.R. Rode, 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.1162 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 five years and to pay fine of Rs.2,000/-/, in default to undergo rigorous imprisonment for two months.

The applicant was further convicted for the offence punishable under Section 323 of the Indian Penal Code and sentenced to suffer one year rigorous imprisonment.

The applicant was further convicted for the offence punishable under Section 504 of the Indian Penal Code and sentenced to suffer two years imprisonment.

The applicant was further convicted for the offence punishable under Section 506-I of the Indian Penal Code and sentenced to suffer two years imprisonment.

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. District Judge-4 and Additional Sessions Judge, Nagpur, Special Court (POCSO), Nagpur in Spl. Case (POCSO) No.662 of 2020 vide judgment and order dated 16.12.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh bonds.

**JUDGE**