

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.20 OF 2020
IN APEAL/5/2020**

**RAJU S/O IRBA SONTAKKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Vivek M. Lomte, Advocate for Appellant
Mr. A. A. Jagatkar, APP for Respondent – State
Mr. Mohit S. Shah, Advocate for Respondent No.2 (Appointed)

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 15th FEBRUARY, 2023

PER COURT :

1. By this application, applicant seeks suspension of his substantive sentence of rigorous imprisonment of five years, imposed on him by the learned Additional Sessions Judge, Nanded, vide order dated 15/11/2019 in Special (POCSO) Case No.39/2019. The applicant is convicted under section 9(m) punishable under section 10 of the Protection of Children from Sexual Offences Act and under section 354(A)(i) of the Indian Penal Code.

2. Heard learned advocate for applicant, learned Additional Public Prosecutor for State and learned advocate for respondent No.2.

3. The sentence imposed on the applicant is a short term sentence. He has already undergone three years of imprisonment.

Applicant was on bail during trial and he has not misused facility of bail.

4. In that view of the matter, application is allowed. Substantive sentence of imprisonment of applicant is hereby suspended. Applicant be released on executing Personal Bond of Rs.15,000/-, with one surety in the like amount. Bail before the trial Court.

5. Applicant shall deposit the fine amount if not already deposited.

6. Fees of the learned advocate appointed to represent respondent No.2 is quantified at Rs.2,500/-. The High Court Legal Services, Sub-Committee, Aurangabad, to pay the same within a period of four weeks from today.

(NITIN B. SURYAWANSHI, J.)