

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

**44 CRIMINAL APPLICATION NO.1034 OF 2023
IN APEAL/227/2023**

Deepak Rambhau Dhavale,

...Applicant

VERSUS

1. The State of Maharashtra

2. X.Y.Z.

...Respondents

...

Advocate for Applicant : Mr.Savant Vilas P.

APP for Respondents-State : Ms. R.P.Gaur

...

CORAM : R. G. AVACHAT, J.

DATE : 27.03.2023.

PER COURT :

1. Heard. Issue notice to the respondents, returnable on 10.04.2023. The learned APP waives service of notice for the respondent No. 1-State.

2. The applicant has been convicted by the Special Judge and Additional Sessions Judge, Majalgaon, District Beed for the offence punishable under Section 354 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for a

period of one year and to pay fine of Rs. 2,000/-, in default to suffer Simple Imprisonment for one month. The applicant is further convicted under Section 354A(i) and (ii) of the Indian Penal Code and under Section 7 and 8 punishable under Section 42 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer Rigorous Imprisonment for 3 years and to pay fine of Rs. 5,000/-, in default Simple Imprisonment for 2 months. He is further convicted under Sections 11 read with Section 12 of the Protection of Children from Sexual Offences Act and sentenced to suffer Rigorous Imprisonment for a period of 1 year and to pay fine of Rs. 2,000/-, in default to suffer Simple Imprisonment for a period of 1 month. He is further convicted under Section 506 of the Indian Penal Code and sentenced to suffer Rigorous Imprisonment for a period of 6 months and to pay fine of Rs. 1,000/-, in default to suffer Simple Imprisonment for 15 days. All the substantive sentences shall run concurrently.

3. The trial Court itself has suspended the applicant's substantive sentences of imprisonment. It will take time for the hearing the appeal. It being a short term sentence, it is a fit case to allow the application. Hence the application is allowed in

terms of following order :

ORDER

- (a) Application is allowed.
- (b) Pending the appeal, the execution of substantive sentences of imprisonment imposed upon the applicant by the learned Special Judge and Additional Sessions Judge, Majalgaon, in Special Case No. 24 of 2018, by the judgment and order dated 10.02.2023, to stand suspended and the applicant be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(R. G. AVACHAT)
JUDGE

mahajansb/