

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

**CRIMINAL APPLICATION NO. 1474 OF 2023
IN APEAL/335/2023**

**SALMAN SHAHABUDDIN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Shaikh M.A. Jahagirkar, Advocate for the applicant.
Mrs.P.V. Diggikar, APP for the respondent/State.

**CORAM : KISHORE C. SANT, J.
DATED : 24.04.2023**

PC :-

01. This is an application seeking suspension of substantive sentence imposed upon the applicant by the learned Special Judge, POCSO Court, Court No.2, Ahmednagar, by way of judgment dated 10.03.2023 in Special Case No. 191 of 2022. The learned Judge by way of said judgment has held the applicant guilty for the offence punishable under section 8 of the POCSO Act and has directed him to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/-, in default, to suffer simple imprisonment for three months. For the offence punishable under section 506 of the IPC, he is directed to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- and in default to suffer simple imprisonment for one month.

02. The learned Advocate for the applicant submits that on the date of judgment itself he has deposited the entire amount of fine and his substantive sentence is suspended till the appeal period is over. During the trial the applicant was on bail and there is no complaint of misuse of liberty.

03. Looking to the fact that the sentence is a short sentence and the appeal is not likely to be heard within a short period, this Court finds it proper to suspend the substantive sentence pending the appeal. Hence, following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Till decision of the appeal, the substantive sentence imposed upon the applicant vide judgment and order dated 10.03.2023 by the learned Special Judge, POCSO Court, Court No.2, Ahmednagar in Special Case No.191 of 2022, shall stand suspended on same bail, fresh bond.
- (iii) The applicant shall give his contact details to the concerned police station and if there is any change in the contact details, he will inform the same to the concerned police station.

[KISHORE C. SANT, J.]