

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

**26 CRIMINAL APPLICATION NO. 1656 OF 2023 IN
CRIMINAL APPEAL NO.376 OF 2023**

**DATTA GOVINDRAO MAMILWAD
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Bharat N. Godegaonkar, Advocate for the applicant
Mr. P. N. Kutti, APP for the respondent/State

CORAM : KISHORE C. SANT, J.

DATE : 02nd MAY, 2023

P. C.

1. Heard.

2. This is an application seeking suspension of substantive sentence awarded by the learned Extra District Judge & ASJ, Special (POCSO) Court, Nanded by order dated 31-03-2023 in No. Special (POCSO) Case No. 58/2021. The applicant is held guilty of the offences punishable under Sections 354-A of the Indian Penal Code. He is directed to suffer R I for 6 months and to pay fine of Rs.2000/- in default to suffer S I for one month for the offence

punishable under Section 354-A.

3. Learned advocate for the applicant submits that during the trial the accused was on bail. There is no allegation that he has misused the liberty while he was on bail. Sentence is short sentence. On the date of conviction his substantive sentence is suspended. He has already paid the fine amount in the trial court. He further submits that looking to the pendency of the appeal, the appeal is not likely to be heard in near future and prays for suspension of substantive sentence.

4. Learned APP opposes the application saying that the applicant is convicted for the offences against woman.

5. In view of the submission and the fact that sentence is short sentence and the same is already suspended, this court finds that it would be in the interest of justice to suspend the substantive sentence pending the appeal. Therefore, the following order:-

ORDER

a] The criminal application stands allowed.

b] Substantive sentence as awarded by the learned Extra District Judge & ASJ, Special (POCSO) Court, Nanded by order dated 31-03-2023 in No. Special (POCSO) Case No. 58/2021 is hereby suspended pending the appeal.

c] The applicant to furnish PR bond of Rs.15,000/- [Rupees Fifteen Thousand] with one solvent surety in the like amount on the following conditions:

i] The applicant shall provide the contact details like mobile number and address, in case of any change to the concerned police station.

[KISHORE C. SANT, J.]