

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

**CRIMINAL APPLICATION NO.1904 OF 2023
IN APEAL/450/2023**

**RAVI SAVANNA CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. V. S. Kadam, Advocate for applicant
Ms D. S. Jape, APP for respondent

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**CORAM : Y. G. KHOBRAGADE, J.
(Vacation Court)**

DATE : 23.05.2023.

PER COURT :-

Heard the learned counsel appearing for the applicant
and the learned APP for the State at length.

2. Perused the record. By the present application, the applicant prays for suspension of sentence awarded under the impugned order dated 24.04.2023 passed by the learned Special Judge in Special (POCSO) Court, Nanded, whereby the applicant / accused is held guilty for the offence punishable under Section

354 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year with fine of Rs.2,000/-. It is further submitted that during the course of trial the applicant was on bail and he has not breached bail condition. Therefore, considering the nature of crime it would be just and proper to suspend the substantive sentence.

3. The record speaks that on 24.04.2023, the learned Special Court passed the order below Exh.122 in Sessions Case No.138 of 2021 and suspended the sentence till 24.05.2023 under Section 389 of the Code of Criminal Procedure.

4. Since the trial already been completed and the applicant / accused convicted for the period of one year for the offence punishable under Section 354 of the Indian Penal Code and the applicant accused has not breached any bail condition, therefore considering the nature of offence and the grounds set out in the appeal, it would be just and proper to suspend the sentences during the pendency of appeal.

5. In view of the above, I am inclined to grant the present application and proceed to pass following order:

ORDER

(i) Criminal Application No. 1904 of 2023 in Criminal Appeal No.450 of 2021 is allowed.

(ii) The sentence awarded on 24.04.2023 by the learned Special Judge in Special (POCSO) Court, Nanded in Special Case No.138/2021, Nanded, is hereby suspended during pendency of the appeal. The applicant be released on bail on executing of P. R. bond of Rs.25,000/- with two solvent sureties in the like amount.

[Y. G. KHOBRAGADE, J.]

SMS