

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

**915 CRIMINAL APPLICATION NO.2478 OF 2023
IN APEAL/606/2023**

**SHAKIR MUNIR KHATIK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. R. M. Deshmukh
APP for Respondent-State: Mr. R. B. Bagul
Advocate for Respondent No.2 : Ms. Sonali G. Somwanshi

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/10/2023.**

P. C. :

1. Heard rival submissions.
2. The applicant / accused is seeking suspension of his substantive sentence of imprisonment imposed upon him by the learned Special Judge POCSO, Amalner in Special Case (POCSO) No.16 of 2019 vide judgment and order dated 27/06/2023 for the offence punishable under Section 354-A(i)(ii), 323 of IPC and Section 12 of POCSO Act.
3. The learned counsel for the applicant submits that the applicant has deposited the fine amount and he was on bail during the trial.
4. On the contrary, the learned APP strongly opposed the application and the learned counsel appointed for respondent No.2

victim also pointed out that the learned trial court has convicted the applicant by considering all the evidence on record, which appears trustworthy.

5. However, the maximum imprisonment appears to be of three years and this court vide order dated 20/07/2023 has already granted interim relief to the applicant while suspending his substantive sentence and directing him to release on bail on furnishing PR bond of Rs.10,000/- with one solvent surety in the like amount. The said interim relief is still in force and considering the quantum of imprisonment, the aforesaid interim relief can be continued during the pendency of the appeal. As such, the order dated 20/07/2023 passed by this court at interim stage, is made absolute during the pendency of appeal. The application is accordingly disposed of.

6. The fees of appointed counsel for respondent No.2 – victim is quantified as per rules.

(SANDIPKUMAR C. MORE, J.)