

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3286 OF 2022
IN
CRIMINAL APPEAL NO. 717 of 2022

Mukunda @ Pintu Prabhakar Jagdale Applicant

Versus

The State of Maharashtra
and another Respondents

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Mr. Amol S. Sawant, Advocate for the Applicant
Ms. R.P. Gour, APP for Respondent – State
Mr. A.B. Cormal, Advocate (appointed) for Respondent No.2

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for the respondent – State. Perused the notes of evidence.

2. The applicant is convicted for offence punishable under section 354(1)(i) of the Indian Penal Code and section and is sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.5,000/- and also sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.5,000/- for offence punishable under section 10 of the Protection of Children from Sexual Offences (POCSO) Act. By

this application, the applicant seeks suspension of his substantive sentence of imprisonment.

3. The sentence of imprisonment being a short term sentence, and taking into consideration the pendency of appeals, the present appeal is not likely to be heard in near future. The applicant was on bail during trial, and he has not misused the facility of bail. The applicant has deposited the fine amount. Hence, the application is allowed in terms of prayer clause "B".

4. Substantive sentence of imprisonment imposed on the applicant in Special Case No.10 of 2018 by Additional Sessions Judge, Dhule vide order dated 15.09.2022, is hereby suspended till final disposal of the appeal. The applicant be released on bail on same terms and conditions as in the trial Court, however on executing fresh bond.

5. Fees of the learned advocate appointed to represent respondent No.3 is quantified at Rs.2,500/-. High Court Legal Services, Sub-Committee, Aurangabad, to pay the same within a period of four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane