

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL APPLICATION NO. 3761 OF 2023
IN APPEAL/937/2023 WITH APPEAL/937/2023

LAXMAN PRALHAD KHADE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. R.H. Wagh – Advocate for Applicant
Mr. R.D. Sanap – APP for Respondent, State

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th November, 2023

PER COURT :

1. Leave to add victim as party – respondent No.2.
2. Heard.
3. Issue notice to the respondents, returnable on 22nd December, 2023.
4. Learned A.P.P. waives service for respondent No.1, State.
5. Heard rival submissions.
6. This application is filed for suspension of substantive

sentence of imprisonment by the present applicant, who admittedly is convicted by the learned Additional Sessions Judge, Basmathnagar, on 29.08.2023 in Special (POCSO) Case No. 59 of 2021 for the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant has already deposited the fine amount and his maximum punishment appears to be of three years.

7. Though the learned A.P.P. strongly opposed the application on the ground that, the learned Trial Court on evaluation of evidence has properly convicted the applicant – accused and he is in jail, but considering the short term of imprisonment and by also considering the fact that, he was on bail during the trial, following order is passed :-

ORDER

- (a) Application is hereby allowed.
- (b) The substantive sentence of imprisonment awarded to present applicant by the learned Additional Sessions Judge, Basmathnagar in

Special (POCSO) Case No. 59 of 2021 for the offences punishable under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, is hereby suspended during the pendency of the appeal.

- (c) The applicant is hereby released on execution of his P.R. bond of Rs.25,000/- with one or more solvent sureties in the like amount.
- (d) Bail in lower Court.
- (e) Criminal Application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE