

three years.

3. The victim was aged around 16 years at the time of incident. The prosecution case is that, there was fair in the village and the victim had gone to purchase some articles. The applicant had allegedly touched her on back side.

4. Vide order dated 17th February 2023 by way of interim relief, the sentence of imprisonment was suspended by the this Court till next date of hearing.

5. Learned Advocate for the Applicant submitted that serious discrepancies about the identity of the accused. The sentence is of three years. During the trial, he was on bail. On the date of conviction, sentence was suspended by the trial Court.

6. Learned APP and learned Advocate for Respondent No.2 submitted that there is sufficient evidence against the applicant. The victim aged around 16 years at the time of incident.

7. The applicant has urged several grounds challenging judgment of conviction. He was on bail during the trial. Sentence has been suspended on the date of conviction and subsequently, this Court has extended the suspension of sentence. The sentence imposed by the trial Court is of short term. The appeal would not be taken up for hearing immediately.

ORDER

(i) Interim Application No. 642 of 2023 is allowed;

(ii) The substantive sentence of imprisonment imposed vide Judgment and Order dated 06th January 2023 passed by Special Judge under POCSO Act and Additional Sessions Judge, Pune in Special (POCSO) Case No. 425 of 2019 is suspended and the applicant is directed to be released on same bail granted by the trial Court with fresh bond.

(iii) The applicant shall not approach the complainant/victim in any manner.

(iv) Interim Application stands disposed off.

(PRAKASH D. NAIK, J.)