

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1113 OF 2023
IN
CRIMINAL APPEAL NO.345 OF 2023

Mohammad Nurul Mukhtar Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Husen Shaikh, Advocate for Applicant.
Mr.Shailesh Kharat, Advocate for Respondent no.2.
Ms.Anamika Malhotra, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th June 2023

PC :

1. Applicant has been convicted for offence u/s.342 of IPC and sentenced to suffer imprisonment for one year and pay fine of Rs.500/-. He is also convicted u/s.354-A of IPC and sentenced to suffer imprisonment for two years and pay fine of Rs.500/-. He is further convicted for the offence u/s.8 of Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer imprisonment for three years and pay fine of Rs.500/-.
2. Applicant was on bail during trial. The sentence was suspended by Trial Court on the date of conviction. Relief granted by Trial Court has been continued by this Court till appeal is heard vide order dated 29th March 2023.
3. Learned counsel for applicant submits that there are contradictions and serious infirmities in the evidence.
4. Learned APP and learned advocate for respondent no.2 submitted that applicant has been attributed specific role and

thereby committed alleged offence. Considering the fact that applicant was on bail during trial, suspension of sentence by Trial Court, grounds urged in appeal and also considering the fact that sentence is of short term, the relief sought in this application can be granted.

ORDER

- (i) Interim Application is allowed and disposed off;
- (ii) The substantive sentence imposed vide judgment and order dated 7th February 2023 in POCSO Special Case No.22 of 2013 by Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, is suspended till final disposal of Criminal Appeal on same bail with fresh bonds.

(PRAKASH D. NAIK, J.)

MST