

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2023.08.11
17:54:08
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1412 OF 2023
IN
APPEAL NO. 442 OF 2023**

Harsh Mangesh Pawar ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Mr. Shikhani Shah i/b Mr. Sharad Raut, for the Applicant.
Mr. Sagar S. Tambe, for Respondent No. 2.
Mr. Y.M. Nakhwa, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 11, 2023

P.C. :

1. This is an application for suspension of the sentence. The trial Court convicted the applicant for the offence under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 vide Section 235(2) of the Code of Criminal Procedure and sentenced to suffer imprisonment of 3 years and to pay fine of Rs.5,000/-, in default to pay fine, to suffer simple imprisonment for a period of 1 month. The applicant is further convicted for offence punishable under Sections 354 and 323 of the Indian Penal Code.

2. With the assistance of the learned counsel, I have perused the impugned judgment and order. The appeal has been admitted. The applicant was on bail during the trial. For the grounds mentioned in the appeal memo and in view of the submissions made by learned counsel for the applicant, in my opinion, considering that the hearing of the appeal is likely to take a long time and as the applicant has not misused the liberty while he was on bail during trial and also considering short term of the sentence, the sentence can be suspended. Hence the following order.

ORDER

- i) The interim application is allowed.
- ii) The substantive sentence of imprisonment passed vide judgment and order dated 18/01/2023 by the trial Court in Special POCSO Case No. 493 of 2018 is suspended during the pendency of this appeal and the applicant is directed to be released on same bail as in the trial Court with fresh bond.
- iii) The interim application is disposed of.

(M. S. KARNIK, J.)