



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

**INTERIM APPLICATION NO.1970 OF 2023
WITH
INTERIM APPLICATION NO.1972 OF 2023
IN
CRIMINAL APPEAL NO.625 OF 2023**

Prabhakar Bhoja Pujari ..Applicant
VS.
The State of Maharashtra and anr. ..Respondents

Adv. Rajesh P. Khobragade a/w Adv. Gayatri H. Nayak, Adv.
Raj S. Gupta, Adv. Akash Tayade and Adv. Ayesha Qureshi
for the Applicant.

Ms. P. N. Dabholkar, APP for Respondent No.1-State.

Adv. Suvarna Yadav for Respondent No.2.

ASI Shivsharan, Shivaji Park Police Station.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 18, 2023

P.C. :

1. Heard learned counsel for the Applicant, learned APP
for the State and learned counsel for Respondent No.2.

2. The Applicant has been convicted for the offence
punishable under Section 8 of the Protection of Children
from Sexual Offences Act, 2012 (hereafter 'the POCSO Act',
for short) and Section 354(A)(1)(i), 452 of the Indian Penal
Code and he has been sentenced to suffer rigorous

imprisonment for three years. Learned counsel for the Applicant states that the fine amount has been paid.

3. The application is opposed by learned APP and learned counsel appearing for Respondent No.2 contending that for the serious offence punishable under the provisions of the POCSO Act that the Applicant has been convicted.

4. Learned counsel for the Applicant submitted that pending trial the Applicant was in custody for almost 228 days before he was enlarged on bail.

5. The Appeal has since been admitted. There is nothing on record to demonstrate that the Applicant has misused his liberty while he was on bail during the trial. Considering the short sentence imposed and for which he had already undergone custody for almost 228 days, I am inclined to suspend the sentence. Hence, the following order :-

ORDER

(i) Interim Application No.1970 of 2023 and Interim Application No.1972 of 2023 are allowed;

(ii) The substantive sentence of imprisonment imposed vide Judgment and order dated 10.05.2023

passed by learned Special Judge, Under POCSO Act, 2012, Gr. Bombay in POCSO Special Case No.672 of 2018 is suspended and the Applicant is directed to be released on same bail as in the trial Court with fresh bond;

(iii) Interim Applications stand disposed of accordingly.

(M. S. KARNIK, J.)