

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

**INTERIM APPLICATION NO. 1973 OF 2023
IN
CRIMINAL APPEAL NO. 626 OF 2023**

Sameer Jaywant Raut	...Applicant
Versus	
State of Maharashtra and Anr.	...Respondents

Mr. Prashant Pandey, Mr. Ashok Dhanukat, Mr. Dinesh Jadhvani, Irfan Unwala, Mr. Ashish Jain, Ms. Sohail Khan i/by W3 Legal LLP, Advocates for Applicant.

Ms. Manisha Devkar appointed Advocate for Respondent No.2.

Mrs. P. P. Shinde, APP for the Respondent-State.

**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 18th OCTOBER 2023**

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PC.:

1. This application is filed for suspension of sentence of five years imprisonment imposed on the applicant by learned Special Judge (POCSO), Greater Bombay in POCSO Special Case No. 465 of 2016, under Section 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned APP has vehemently opposed the application contending that there are two victims in the crime and on the basis of evidence led in the trial Court applicant is convicted.

3. Prima facie there appears substance in the contention of learned Advocate for Applicant that there is delay in lodging FIR and evidence of victims is not properly appreciated by the trial Court.

4. Appeal is already admitted and the sentence imposed on the applicant is a short term sentence. In the light of decision of the Apex Court in Bhagwam Rama Shinde Gosai And Ors Vs. State Of Gujarat (1999) SCC (Cri.) 553 and as no exceptional circumstances to refuse suspension of sentence are made out, application deserves to be allowed. In the result, application is allowed.

(i) Substantive sentence of imprisonment imposed vide judgment and order dated 29th May 2023 passed by learned Special Judge (POCSO), Greater Bombay in POCSO Special Case No. 465 of 2016 is suspended during the pendency of Appeal.

(ii) Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 15,000/- with one solvent surety in the like amount.

(iii) Applicant shall deposit the fine amount, if not already deposited.

(iv) Applicant shall not contact the prosecution witnesses and shall attend the trial Court quarterly on first Monday until further orders.

(v) Application stands disposed off.

(NITIN B. SURYAWANSHI, J.)