

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (APPA) No.45/2023
in
CRIMINAL APPEAL NO. 27/2023

Manish Gajanan Gopnarayan . .. Appellant
versus
The State of Maharashtra and another .. Respondent/s

.....
Mr. J.B.Kasat, Advocate for the applicant
Mr. M.J. Khan, APP for Respondent No.1
Ms. Mohini A. Sharma Adv.(appointed) for Respondent No.2
.....

CORAM: ANIL L. PANSARE, J.
DATED : 29th March, 2023.

PC:

On 13.01.2023, the following order was passed :-

“ The applicant/appellant has filed this application under section 389 of the Code of Criminal Procedure. The applicant has been convicted for the offences punishable under sections 341, 354, 506, 509 read with section 34 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The maximum punishment imposed is three years with fine. The applicant has already paid the fine amount.

The learned counsel for the applicant submits that the applicant was on bail pending trial. After pronouncement of judgment, the execution of sentence of the appellant has been suspended till the period of appeal, which is 60 days from the date of judgment. The appeal is filed within that period. He further submits that there are no allegations that the applicant has misused the liberty while on bail. There are no criminal antecedents he has good case on merits.

Issue notice to the respondents returnable on 27.01.2023.

As an interim arrangement, the execution of sentence imposed upon the applicant by judgment and order dated 14.12.2022 in Special Case No.(Child Pro) No.154/2021 passed by Extra Joint Sessions Judge, Akola is hereby suspended.”

2. Heard Ms.Mohini A.Sharma, learned counsel (appointed) for Respondent No.2. Though she has opposed the application but could not point out any reason as to why the interim order granted should not be confirmed. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 13.01.2023 stands confirmed.
- (iii) The applicant shall remain present before this Court at the time of final hearing of the appeal.
- (iv) Registry to process the appeal for final hearing as per the Rules.

3. The professional fee of Ms.Mohini A.Sharma, Advocate (appointed) for Respondent No.2, be quantified and paid as per Rules.

[ANIL L. PANSARE, J.]

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