

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

...
CRIMINAL APPLICATION (APPA) NO. 277/2023
IN
CRI.APPEAL NO. 158/2023

Roshan Nanaji Gajbhiye

.. Applicant

versus

The State of Maharashtra
and another

.. Respondent/s

.....
Mr.R.K.Borkar, Advocate for the applicant

Mr.MJ.Khan, APP for Respondent No.1

Ms. Falguni Badani, Adv.(appointed) for Respondent No.2
.....

CORAM: ANIL L. PANSARE, J.

DATED : 5th April, 2023.

PC:

On March 3, 2023 the following order was passed :

“ The appellant/applicant has filed this Application under Section 389 of the Code of Criminal Procedure for suspension of sentence.

2. The applicant has been convicted fr the offences punishable under sections 7 and 8 and Section 11(i) read with Section 12 of thew protection of Children from Sexual Offences Act, 2012. The maximum punishment awarded is three years so also fine. The applicant has already paid the fine amount in the lower Court.

3. 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 applicant has been suspended. The applicant has not transgressed the conditions imposed upon the applicant while granting bail. He has no criminal antecedents. He has god case on merits.

4. *Issue notice to the Respondents returnable on 17th March 2023.*
 5. *Mr.Kadukar, learned APP waives service of notice on behalf of the Respondent No.-1 State.*
 6. *In the meantime, the execution of sentence imposed upon the applicant by the judgment and order dated 16.02.2023 in Special Child Case No.62/2018 passed by the Special Judge, Gondia is hereby suspended, on the following conditions :*
 - (i) *The applicant-Roshan Nanaji Gajbhiye shall furnish PR bond in the sum of Rs. 25,000/- with one surety in the like amount before the lower Court.*
 - (ii) *The applicant shall remain present before this Court at the time of final hearing of the Appeal.*
 7. *The appellant/applicant is directed to remove office objections by the next date.”*
2. Though Ms.Falguni Badani, Advocate (appointed) for Respondent No.2 opposed the Application, she could not point out any material not to confirm the interim order. The interim order is accordingly confirmed.
3. Registry to process the appeal for final hearing as per the rules.

[ANIL L. PANSARE, J.]

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