

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

...

CRIMINAL APPEAL (ST) NO. 3114/2023

WITH

CRIMINAL APPLICATION (APPA) NO. 451/2023 & (ST) NO.3116/2023

Akhilesh Manohar Shende

.. Appellant

versus

The State of Maharashtra

Th: Its PSO PS Kotwali Dist.Nagpur

and another

.. Respondent/s

.....
Mr.D.R. Galande, Advocate for the applicant /appellant

Mr.I.J.Damle, APP for Respondent -State

Ms.Mohini A.Sharma Adv(appointed) for Respondent No.2-victim

.....

CORAM: ANIL L. PANSARE, J.

DATED : 19th April, 2023.

PC:

Non applicant no.2 – Victim is present in the Court and prays for legal aid.

Learned counsel Ms. Mohini A.Sharma, is appointed as an Advocate to appear on behalf of the non applicant no.2.

The High Court Legal Services Sub Committee, Nagpur is directed to hand over the case papers to the learned counsel (appointed) for the non applicant no.2.

CRIMINAL APPLICATION (APPA) NO. 451/2023

By the present application, the applicant is seeking condonation of delay of 1 day in filing the Appeal against conviction. The applicant has been convicted by the judgment and order dated 09.02.2023 passed by learned Addl.Sessions Judge, Nagpur in Spl. Cri. Case No.300/2021, for

the offences punishable u/ss. 354, 354D and 506 of the IPC and u/s 8 of the POCSO Act, 2012.

For the reasons stated in the Application, the Application is allowed. The delay of one day caused in filing the present appeal is hereby condoned. The Appeal be registered.

CRI.APPEAL (ST) NO. 3114/2023

Heard.

Admit.

Call R & P

The R & P be furnished in hard copy as well as soft copy.

Learned APP waives service on behalf of the Respondent No.1-State.

CRI.APPA (ST) NO.3116/2023

The applicant has filed this application under section 389 of the Code of Criminal Procedure, 1973. The applicant has been convicted by the judgment and order dated 09.02.2023 passed by the learned Additional Sessions Judge and Special Judge, Nagpur in Spl. Cri.Child Case no.300/2021 for the offences punishable under Sections 354D, 506 of the INP and Section 8 of the POCSO Act, 2012, sentencing him to suffer RI for three years and to pay a fine of Rs. 5000/- in default to suffer further R.I. for two months. It is submitted that the applicant has already paid the fine amount.

The learned counsel for the applicant submits that the applicant was on bail pending trial. He further submits that after pronouncement of the judgment, the execution of sentence of the appellant has been suspended. He further submits that there are no

allegations that the applicant has misused the liberty while on bail. There are no criminal antecedents.

Issue notice to the respondents, returnable after summer vacation, 2023. The learned APP waives notice on behalf of Respondent-State.

As an interim arrangement, the execution of the sentence imposed upon the applicant by judgment and order dated 09.02.2023 passed by the learned Additional Sessions Judge and Special Judge, Nagpur in Spl. Cri.Child Case No.300/2021 for the offences punishable under Sections 354D, 506 of the IPC and Section 8 of the POCSO Act, 2012, is hereby suspended, on the following conditions :

- (i) The applicant shall furnish PR bond in the sum of Rs. 25,000/- , with one solvent 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.

Registry to process the appeal for final hearing as per the rules.

[ANIL L. PANSARE, J.]

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