

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.494 OF 2023

IN
CRIMINAL APPEAL NO.308 OF 2023

Akhilesh Manohar Shende

Vs.

The State of Maharashtra, through its Police Station Officer, Police Station, Kotwali
District Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D. R. Galande, Counsel for applicant.
Shri I. J. Damle, APP for respondent No.1/State.
Ms. Mohini Sharma, appointed Counsel for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/07/2023

1. The present applicant has filed this application under Section 389 of the Code of Criminal Procedure for suspension of sentence and releasing him on bail.

2. The applicant has been convicted by the judgment and order dated 09.02.2023 passed by the learned Additional Sessions Judge (Special Judge, POCSO Court), Nagpur in Special Criminal (Child) Case No.300/2021 for the offences punishable under Sections 354-D and 506 of the Indian Penal Code and Section 8 of the Protection of Children From Sexual Offences Act, 2012, and sentenced him to suffer rigorous

imprisonment for three years and to pay fine of Rs.5000/-. The fine amount is already paid.

3. Considering the same and by observing that the appeal will takes its own time for final decision. In the meanwhile, if the sentence is executed, no purpose will be served by preferring this appeal. This Court has suspended the sentence and released the applicant on bail. I have gone through the impugned judgment, the applicant has made out arguable points. Considering the same, the application deserves to be allowed. In view of that, I pass following order.

ORDER

(i) The Criminal Application (APPA) No.494/2023 is allowed.

(ii) The interim order passed by this Court releasing the appellant on bail is extended till disposal of the appeal. The execution of the sentence is suspended, till disposal of the appeal.

The application is disposed of.

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The appeal be placed before the Court after preparation of the private paper book.

(URMILA JOSHI-PHALKE, J.)