

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

CRIMINAL APPLICATION (APPA) NO.658 OF 2023 IN
CRIMINAL APPEAL NO.422 OF 2023

Monu alias Naushad Shaikh Vs. State of Maharashtra 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 A.K. Sorde, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : JUNE 23, 2023.

By this application, the appellant is seeking suspension of sentence and grant of bail.

2. The present appellant has faced the prosecution for the offences under Section 354A, 354D of the Indian Penal Code (IPC) and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). After recording evidence, the trial Court held the appellant guilty for the offence under Section 12 of the POCSO Act and also under Section 354D of the IPC and sentenced him to suffer rigorous imprisonment for one with fine amount.

3. Being aggrieved and dissatisfied with the judgment and order of sentence the present appellant has preferred appeal on the ground that the learned trial Court has not considered the material infirmity in the evidence and erroneously convicted the present

appellant. The appeal will take its own time for its final decision. In the meanwhile, if the execution of sentence is not suspended the appeal will become infructuous.

4. The learned APP strongly objected the application on the ground that the learned trial Court has rightly considered the evidence and convicted the appellant.

5. Having heard both sides and perused the impugned order, the appeal will take its own time for the final decision. Considering the same, the execution of substantive sentence is to be suspended. Hence, the following order:

ORDER

- i. Execution of substantive sentence, awarded by judgment and order in Special Criminal (Child) Case No.296/2018 by the learned Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur dated 24.05.2023, is hereby suspended pending appeal.
- ii. The applicant is released on bail on he executing PR bond in the sum of ₹15,000/- with one surety of like amount.
- iii. The applicant shall furnish his cellphone number and address with address proof.
- iv. The applicant shall remain present at the time of final hearing of appeal.

With this, the application stands disposed of.

CRIMINAL APPEAL NO.422 OF 2023

Heard.

Admit. Call for record and proceedings.

Learned APP waives notice of hearing on behalf of respondent no.1.

Issue notice to respondent no.2, returnable after three weeks.

JUDGE

Wagh