



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

CRIMINAL APPEAL NO. 503 OF 2023

Shankar Shrawan Bhoyar 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.

Ms Rajani Gajbhiye, Advocate h/f Shri M.V. Rai, Advocate for
appellants.

Shri M.J. Khan, APP for respondent no.1/State.

Ms Anupriya Mishrikotkar, Advocate appointed for respondent
no.2.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 05, 2023.

Pursuant to the notice issued, the respondent no.2 is
present in the Court and seeks counsel to assist her from
legal aid panel.

2. Ms Anupriya Mishrikotkar, learned counsel, who is
present in the Court, is appointed to assist the respondent
no.2.

3. The Secretary of the High Court Legal Services Sub-
Committee, Nagpur to do the needful.

4. Heard.

5. **Admit.**

6. Call R&P.

7. Learned APP waives notice of hearing for respondent no.1.

8. Learned appointed counsel waives notice of hearing for respondent no.2.

CRIMINAL APPLICATION (APPA) NO.808 OF 2023

9. Heard learned counsel for the appellant, learned APP for respondent no.1/State and learned appointed counsel for the respondent no.2.

10. The applicant seeks suspension of sentence pending the appeal. The appellant has been convicted for the offences punishable under Sections 354, 354A of the Indian Penal Code and under Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act and sentenced him to suffer rigorous imprisonment for one year on each count and to pay fine of Rs.1,000/- on each count. The applicant has paid the fine amount. The applicant was on bail during the trial.

11. The application strongly opposed by the learned APP respondent no.1/State as well as learned counsel appointed for respondent no.2 and submitted that the learned trial Court has rightly considered the evidence on record and convicted the appellant. There are no grounds to suspend the sentence.

12. Having heard both sides and after going through the impugned judgment and order, the appellant has made out arguable points. The appeal will take its own time for final decision, in the meanwhile, if the sentence is executed then the appeal will become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order

ORDER

- i. The application is allowed.
- ii. The execution of sentence awarded by the learned Sessions Judge, Chandrapur in Special (POCSO) Case No.162/2021 dated 26.06.2023 is hereby suspended pending appeal.
- iii. The appellant is released on bail on furnishing PR bond in the sum of Rs.25,000/- with one surety in the like amount with a clear understanding to remain present before this Court at the time of final hearing of appeal.
- iv. Professional fees of learned appointed counsel be quantified and paid, as per Rules.

With this, the application is disposed of.

JUDGE

Wagh