



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

CRIMINAL APPEAL NO.577/2023

Sunil s/o Ashok Ingle and another Vs. State of Maharashtra & another

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

Court's or Judge's orders

Mr. Mahesh Rai, Advocate for appellants/applicants.
Mr. A.M.Kadukar, APP for respondent no.1/State.

CORAM : M.W. CHANDWANI, J.
DATED : 31/08/2023

1. Heard.
2. Issue notice to the respondents, returnable after two weeks.
3. The learned APP waives notice for respondent no. 1/State.

Criminal Application (APPA). No.941/2023

4. Issue notice to the respondents.
5. The learned APP waives notice for respondent no. 1/State.
6. The present application is filed for suspension of sentence against the judgment and order of conviction dated 4.8.2023 passed by the Additional Sessions Judge Special Court (POCSO), Chandrapur in Special (POCSO) Case No.54/2018 and the appellants/applicants are convicted for the offences punishable under Section 8 of the Protection of Children from Sexual Offences Act read with Sections 354-A of the Indian Penal Code and sentenced to suffer R.I. for three years and fine of Rs.2000/- each and also for offence punishable under Section 506 read with Section 34 of the Indian Penal Code and sentenced to suffer R.I. for one year each and to pay fine of Rs.1,000/- each.

7. The applicants/accused have already deposited the amount of fine. Considering the quantum of punishment, coupled with the fact that during the trial the applicants were on bail, a case is made out for suspension of sentence pending appeal. Hence, the following order:-

- i) The application is allowed.
- ii) Pending appeal, the substantive sentence awarded by the judgment and order of conviction dated 4.8.2023 passed by the Additional Sessions Judge Special Court (POCSO), Chandrapur in Special (POCSO) Case No.54/2018 is suspended till disposal of the appeal.
- iii) The applicants/accused shall furnish P R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount each before the Trial Court.
- iv) The applicants/accused shall attend the Court as and when directed.

(M.W. CHANDWANI, J.)

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