



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

CRIMINAL APPEAL NO. 698 OF 2023

Rampati S/o. Rambahor Vishwakarma

.Vs.

The State of Maharashtra, Through PSO, PS Imamwada, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr R. A. Biranware, Adv. h/f. Mr O. K. Masurke, Counsel for the appellants
Mr S. S. Hulke, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 01, 2023

1. Heard.
2. **ADMIT.**
3. Learned APP waives service of notice on behalf of respondent No.1/State.
4. Call for record and proceedings.

CRIMINAL APPLICATION NO. 1131 OF 2023

5. Heard.
6. This is an application for suspension of substantive sentence.
7. The appellant is convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 vide judgment and order dated 16.09.2023 passed by learned Additional Sessions Judge, Nagpur. The appellant is sentenced to suffer

rigorous imprisonment for three years and to pay fine of Rs.3000/- for the above mentioned offence.

8. It is stated that during the pendency of the trial the appellant was on bail. There is no allegation of misuse of liberty by him during the pendency of the trial. It is pointed out that considering the quantum of substantive sentence the learned Sessions Judge was pleased to suspend the substantive sentence vide order dated 16.09.2023. It appears that the appellant has deposited the fine amount. In the fact and circumstances, the application is **allowed**.

9. The substantive sentence awarded by learned Additional Sessions Judge, Nagpur vide judgment and order dated 16.09.2023 shall remain suspended during the pendency of this appeal.

10. The appellant be released on same terms and conditions as imposed by the learned Sessions Judge, Nagpur at the time of suspension of sentence.

11. The application stands **disposed of**.

(SHIVKUMAR DIGE, J.)