



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

CRIMINAL APPEAL NO. 718 OF 2023

Devendra @ Sonya S/o. Bhaiyalal Pardhi
.Vs.

The State of Maharashtra, Through PSO, PS Tirora, Distt. Gondia 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 Virat Mishra, Counsel for the appellant
Mr K. R. Lule, APP for the State

CORAM : SHIVKUMAR DIGE, J.
DATE : NOVEMBER 1, 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. 1162 OF 2023

5. Heard.
6. This is an application for suspension of substantive sentence.
7. The appellant is convicted for the offences punishable under Sections 452 and 354 of the Indian Penal Code and Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 vide judgment and order dated 12.10.2023 passed by

learned Additional Sessions Judge, Gondia. The appellant is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.2500/- on each count for the each of the above mentioned offences.

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 12.10.2023. It appears that the appellant has deposited the fine amount of Rs.7,500/-. In the fact and circumstances, the application is **allowed**.

9. The substantive sentence awarded by learned Additional Sessions Judge, Gondia vide judgment and order dated 12.10.2023 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 at the time of suspension of sentence.

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

(SHIVKUMAR DIGE, J.)