



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

CRIMINAL APPLICATION NO.1213 OF 2023

IN

CRIMINAL APPEAL NO.753 OF 2023

(Gaurav s/o Gunwanta Bawiskar Vs. The State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.R. Thakur, Advocate for the applicant.
Shri V.A. Thakare, APP for non-applicant No.1/State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 30, 2023.

Heard.

2. By preferring this appeal, the appellant has challenged the judgment and order of sentence passed in Special Case (POCSO) No.494/2022 by which the appellant is convicted for the offence punishable under Section 354-A of the IPC and sentenced to suffer rigorous imprisonment for one year. He is also convicted for the offence punishable under Section 323 of the IPC and sentenced to undergo rigorous imprisonment for six months and sentenced to suffer rigorous imprisonment for six months of the offence punishable under Section 506(1) of the Indian Penal Code.

3. Learned Counsel for the appellant submitted that the appellant is already released on bail by the trial Court.

4. The appeal will take its own time for final decision. The appellant has every chance of success in the present appeal. In the meanwhile, if sentence is executed then the appeal will become infructuous.

5. Learned APP strongly opposed the application.

6. After hearing both the sides and considering the impugned judgment, the appellant has many arguable points however, the appeal will take its own time for its final disposal.

7. In view of that the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence is hereby suspended till disposal of the appeal.

(iii) The applicant be released on bail on executing P.R. Bond in the sum of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

(iv) The applicant shall furnish his Cell-phone number and address along with address proof before the trial Court.

8. The application stands disposed of.

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Heard.

2. **ADMIT.**
3. Call for R. & P.
4. Issue notice to respondent No.2.
5. Learned APP waives notice for the State.
6. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)

**Divya*