



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

CRIMINAL APPLICATION (APPA) NO. 1225/2023 IN
CRIMINAL APPEAL NO. 759/2023

Pratik S/O Satishrao Thakare

Vs

State Of Mah. Thr. PSO PS Deoli Tah.Deoli Dist.Wardha And Another

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

Court's or Judge's Order

Mr. A.M.Chandekar, counsel for applicant.

Mr. Joshi, APP for the non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/12/2023.

1. By this application, the applicant/appellant has challenged the judgment and order of sentence passed in Special (Ch.Act) Case No. 52/2018 by which the applicant/appellant is convicted for the offence punishable under Section 451 and sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1000/- in default to suffer further S.I. for one month. The applicant/appellant is also convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to suffer rigorous imprisonment for one year.

2. The learned counsel for the applicant/appellant, Mr. A.M. Chandekar submitted that the learned trial Court had not considered the evidence in

proper perspective, there are various arguable points, and the appellant has every chance of success in the present appeal. However, the appeal will take its own time for its final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

3. The learned APP strongly opposed the present application. Perused the impugned judgment and the copies of the deposition.

4. The learned counsel for the applicant/appellant pointed out from the impugned judgment and the copies of the deposition that, he has arguable points in the present appeal. Considering the submissions made by the learned counsel for the applicant/appellant, the appeal will take its own time for final decision. The application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (a) The application is allowed.
- (b) The execution of the sentence is hereby suspended till disposal of the appeal.

(c) The applicant be released on bail on executing PR Bond in the sum of Rs.20,000/- with one solvent surety in the like amount.

(d) The applicant shall furnish his cellphone number and address along with address proof before the trial Court.

5. The application stands **disposed of**.

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1. Heard.

2. **Admit.**

3. Issue notice to the respondents.

4. Mr. Joshi, learned APP waives service of notice on behalf of respondent No.1.

5. Call for record and proceedings.

6. Appeal be placed before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J]