



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

**CRIMINAL APPLICATION (APPA) NO. 1236/2023 IN**  
**CRIMINAL APEAL NO. 767/2023**

Sunil S/O Sitaram Patil

Vs

State Of Mah. Thr. PSO PS Dahegaon Deoli Dist.Wardha

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

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Court's or Judge's Order

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Mr. A.S. Shukla, counsel for applicant.

Mr. V.A.Thakre, APP for the non-applicant /State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 08/12/2023.**

1. By this application, the applicant/appellant is seeking suspension of sentence and releasing him on bail during the pendency of the appeal.

2. The present appeal is preferred against the judgment and order of sentence passed by the learned Extra Joint Additional Sessions Judge (Special Court), Wardha in Special (Ch. Act) Case No. 53/2021 by which the applicant/appellant is convicted under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act 2012') and sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs. 3000/-, and also convicted under Section 12 of

the Act of 2012 and sentenced to suffer rigorous imprisonment of one year and to pay fine of Rs. 1000/-.

3. The learned counsel for the applicant/appellant submitted that learned trial Court has not considered the material evidence in proper perspective which affect the prosecution case. He pointed out from the impugned judgment that, he has every chance of success in the present appeal, and also submitted that in the meanwhile, the sentence is executed then the appeal will become infructuous.

4. The learned APP strongly opposed the present application.

5. After hearing both the sides and after perusal of the impugned judgment, the applicant/appellant has made out the case to show that there are many arguable points in the present appeal. Admittedly, the appeal will take its own time for its final decision. Considering the same, the execution of sentence deserves to be suspended. Accordingly, I proceed to pass following order.

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

- c] The applicant/appellant 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/appellant shall furnish his cell phone number and address along with address proof before the learned Trial Court.
6. The application stands **disposed of**.

**Criminal Appeal No.767/2023**

- 1. Heard.
- 2. **Admit.**
- 3. Call for record and proceedings.
- 4. Appeal be placed before the Court after preparation of the paper book.

**[URMILA JOSHI-PHALKE, J]**