



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

CRIMINAL APPLICATION (APPA) NO.1282 OF 2023
IN
CRIMINAL APPEAL NO.796 OF 2023

Santosh Kawduji Mungle

Vs.

State of Maharashtra, Through Police Station Officer, Sewagram, District Wardha and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Advocate for applicant/appellant.

Ms. M. Kavimandan, APP for respondent No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/12/2023

1. By this appeal, the appellant has challenged the judgment and order of sentence passed by the Extra Joint Additional Sessions Judge (Special Court), Wardha by which the appellant is convicted for the offence punishable under Section 8 of the Protection of Children From Sexual Offences Act and sentenced to suffer three years and fine of Rs.3,000/-, in default, to suffer simple imprisonment for three months and for the offence punishable under Section 294 of the Indian Penal Code to suffer six months and fine of Rs. 500, in default to suffer simple imprisonment for 15 days.

2. Learned Counsel Mr. Rai for the appellant submitted that while appreciating the evidence on record learned trial Court has not considered the evidence came through the cross-examination. Thus, the appellant has

arguable points in the present appeal. However, the appeal will take its own time for final decision. In the meantime, if the sentence is executed, the appeal will become infructuous.

3. Learned APP strongly opposed the application.

4. After hearing the learned Counsel for the appellant and on perusal of the impugned judgment. Learned Counsel for the appellant pointed out that he has arguable points in the present appeal and has every chance of success. Considering the same, the execution of sentence is hereby suspended till disposal of the appeal. The appellant **Santosh Kawduji Mungle** be released on bail on executing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

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1. Heard.

2. **Admit.**

3. Learned APP waives notice for respondent No.1/State.

4. Call for record and proceedings.

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

(URMILA JOSHI-PHALKE, J.)