



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.4601/2023
IN
CRIMINAL APPEAL NO.1369/2023**

KISAN GANGARAM LALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. V. V. Bambarde a/w. Adv. S. V. Jagtap, Adv. Sachin
Kamble for the applicant.

Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2024.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** Learned APP for the State opposed the application.
- 3.** The applicant is convicted for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) and under Section 354 of the Indian Penal Code (hereafter "IPC" for short) and maximum sentence imposed is simple imprisonment for a period of three years and to pay fine of Rs.1000/-. The fine amount has been paid.

4. Learned APP submitted that for the cogent reasons the trial Court has rendered the finding conviction. Learned APP, in the alternate, submitted that the appeal be heard expeditiously instead enlarging the applicant on bail.

5. I have perused the findings recorded by the trial Court. The applicant was on bail during the trial. The applicant is in custody from 7/3/2016 to 28/3/2016 and then from 1/2/2022 till 30/9/2023. In the facts and circumstances of the present case, the appeal which has since been admitted, is not likely to be heard soon. Having regard to the length of sentence undergone, I am inclined to suspend the sentence imposed by the trial Court. Accordingly, the sentence is suspended. The applicant be enlarged on same bail as before the trial Court but will have to furnish fresh bonds.

6. The applicant shall report to the trial Court once in six months, every first Monday of the concerned month, commencing from February, 2024.

7. The application is disposed of.

(M. S. KARNIK, J.)