

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

**INTERIM APPLICATION NO.3376 OF 2024
IN
CRIMINAL APPLICATION NO.917 OF 2024**

Rafel Savrimuttu Koundar Applicant

V/s.

The State of Maharashtra & Anr. Respondents

**NILAM
SANTOSH
KAMBLE**
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Date: 2024.12.06
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Mr.B.W. Kakade, for the Applicant.

Mr.Swapnil V. Walve, APP, for Respondent No.1-State.

Mr.Sham Walve a/w Mr.Bhavik Chheda, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th DECEMBER 2024

P.C:-

. This is an application for suspension of sentence and for bail.

2. Heard learned counsel for the Applicant, learned Additional Public Prosecutor and learned counsel for the Respondent No.2.

3. The Applicant has been convicted by the Special Court for the offence punishable under Section 354(c) of the Indian Penal Code ('IPC' for short) and under Sections 8 and 12 of the Protection of Children From Sexual Offences Act 2012 ('POCSO' for short). The Applicant has been sentenced to suffer RI for 2 years with fine of Rs.10,000/-. The learned Special

Court has suspended the sentence during the appeal period and has granted interim bail to the Applicant. Hence, requested to continue the said order.

4. The learned APP for the Respondent-State and learned counsel for Respondent No.2 strongly objected to allow the Application.

5. I have heard all learned counsel.

6. Considering the submission of both learned counsel as well as sentence imposed on the Applicant is short term sentence. During trial Applicant was on bail. He has not misused the liberty. Considering these facts, the sentence is suspended till final disposal of the Appeal. Hence, I pass following order.

ORDER

(i) The substantive sentence imposed on the Applicant in POCSO Special Case No.316 of 2023 is suspended till final disposal of the Appeal.

(ii) The bail bonds furnished before the learned Special Judge is continued till final disposal of the Appeal.

(iii) The Criminal Application is disposed of.

(SHIVKUMAR DIGE, J.)