



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.96 OF 2024 IN
CRIMINAL APPEAL NO.48 OF 2024

Sopan alias Swapnil Bhikaji Pawar Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri K.G. Rathi, Advocate (appointed) for appellant.
Shri Alap Palshikar, APP for respondent/State.

CORAM : M.W. CHANDWANI, J.

DATE : JANUARY 31, 2024.

Heard.

2. By this application, the appellant is seeking suspension of substantive sentence in Special Case No.153/2018 passed by the learned Additional Sessions Judge, Akola. The appellant is convicted by its order dated 29.08.2022 for the offence punishable under section 354(D) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for one year. He is also convicted for the offence punishable under section 8 of the Protection of Children from Sexual Offences Act and is sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.5000/-.

3. It is contended on behalf of the appellant that the appellant has not committed any offence and sentence is for fixed term rather relatively shorter term. It is contended that the appellant has a good case on merits and in case of acquittal the position will not be reversible hence prays for suspension of substantive sentence.

4. Per contra, learned APP for the State strongly objected the application on the ground that after recording evidence particularly relying on the version of victim, the appellant is convicted and sought rejection of the application.

5. The sentence is for fixed term for three years. The appeal may not be heard in near future. The appellant was on bail throughout trial. The appellant has deposited fine amount. The appellant is in jail. In case of acquittal the position will not be reversible.

6. In view of above, a case is made out for suspension of sentence. Hence, following order.

7. Pending appeal, the substantive sentence imposed upon the appellant by the Additional Sessions Judge, Akola by judgment and order dated 28.08.2022 in Special Case (Child) No.153/2018 is hereby suspended.

8. The appellant - **Sopan alias Swapnil Bhikaji Pawar** shall be released on bail on executing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

9. During pendency of the appeal, the appellant shall not enter into the territory of village Babulgaon, Taluka Patur, District Akola.

10. The appellant shall remain present at the time of final hearing of the appeal.

11. Professional fees of learned appointed counsel for appellant be quantified and paid as per Rules.

12. With this, the application stands dispose of.

Wagh

JUDGE