



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

CRIMINAL APPLICATION (APPA) NO.231 OF 2024
IN
CRIMINAL APPEAL NO.123 OF 2024

Vikas @ Katya s/o Ajit Puri

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Ballarshah, District Chandrapur 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. Syed Salman Ali Syed Jammu Ali, Advocate for appellant.
Ms. S. V. Kolhe, APP for respondent No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/03/2024

1. By preferring this appeal, the appellant has challenged the Judgment and order of sentence passed by the learned Extra Joint District Judge and Additional Sessions Judge, Special Court (POCSO) Chandrapur in Special (POCSO) Case No.28/2018, by which the appellant was convicted for the offence punishable under Section 341 of the Indian Penal Code and sentenced to suffer simple imprisonment for one month and shall pay fine of Rs.500/-, in default, simple imprisonment for ten days.

2. The appellant is further convicted for the offence punishable under Section 354-A of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and shall pay fine of Rs.500/-, in default, rigorous imprisonment for ten

days. The appellant has already deposited the fine amount.

3. Though victim is served, none appears for the victim.

4. Learned Counsel for the appellant submitted that the trial Court had not considered the evidence in proper perspective and pointed out from the impugned judgment that he has arguable points. The appeal would take its own time for its final decision. In the meantime, if the sentence is executed the appeal will become infructuous.

4. Learned APP strongly opposed the application on the ground that the appeal is devoid of merits.

5. Considering the fact that there is a limited period of punishment imposed by the learned trial Court. The learned Counsel for the appellant also pointed out that he has arguable points and every chance of success in the appeal. Considering the same, the execution of the sentence deserves to be suspended. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The execution of the sentence is suspended till disposal of the appeal.

(iii) The appellant **Vikas @ Katya s/o Ajit Puri** be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iv) The appellant shall furnish his cell phone number and address with the address proof.

The application is disposed of.

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1. Heard.
2. **Admit.**
3. Learned APP waives service of notice for the State.
4. Call for record and proceedings.
5. The appeal be placed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)