



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

CRIMINAL APPLICATION (APPP) NO. 374 OF 2023 IN
CRIMINAL APPEAL NO. 223 OF 2023

Sonu Shamrao Kamble V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.K. Paliwal, counsel for applicant/appellant.
Mr. S.S. Hulke, APP for respondent/State.
Mr. P.R. Agrawal, counsel respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/09/2024.

1. By preferring this application, the applicant/appellant is seeking suspension of sentence and releasing on bail.
2. The applicant has been convicted by the Extra Joint Additional Sessions Judge, Akola by judgment and order dated 28/02/2023 in Special POCSO Case No. 147/2021 and sentenced to suffer R.I. for three years of the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012. He is further convicted for the offence punishable under Section 354 and sentenced to suffer R.I. for three years and fine of Rs. 1000/-, in default, R.I. for 15 days.
3. Learned counsel for the applicant further pointed out from the impugned judgment that the learned trial Court has not considered the evidence in proper perspective

and he has many arguable points in the present appeal, but the appeal would take its own time for its final decision. In the meantime, if the sentence is executed, the appeal would become infructuous.

4. The learned APP strongly opposed the present application on the ground that the appeal itself is devoid of merits and liable to be dismissed.

5. Learned counsel for the victim also reiterated the same contention.

6. Having heard the learned counsel for the applicant and the learned APP and learned counsel for the victim, perused the impugned judgment. Considering the fact that a limited period sentence is imposed on the present applicant as well as the appeal would take its own time for its final decision and in the meantime, if the sentence is executed, the appeal would become infructuous. Moreover, the applicant has also made out the arguable points which can be considered while considering the appeal.

7. In view of that, I proceed to pass following order:

- (i) The execution of sentence imposed in Special POCSO Case No. 147/2021 is hereby suspended till disposal of the appeal.

- (ii) The applicant shall be released on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one solvent surety in the like amount.

8. The application (APPA) No. 374/2023 stands **disposed of.**

CRIMINAL APPEAL NO. 223 OF 2023

Appeal be listed before the Court after preparation of the paper book.

[URMILA JOSHI-PHALKE, J.]