



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

CRIMINAL APPLICATION (APPA) NO. 689 OF 2024 IN
CRIMINAL APPEAL NO. 389 OF 2024

Jagdish @ Gajanan Babarao Ambhore V/s State of Maharashtra.

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

Court's or Judge's Order

Mr. S.S. Das, counsel for applicant/appellant.
Mr. C.A. Lokhande, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/07/2024.

1. Heard.
2. By preferring this application, the applicant/appellant is seeking suspension of sentence and released him on bail.
3. The applicant was prosecuted for the offence punishable under Sections 363, 354, 354-A, of the Indian Penal Code, 1860 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).
4. During the trial, the learned Sessions Judge, Washim held him guilty and sentenced him to suffer rigorous imprisonment for two years and pay fine of Rs. 2,000/- for the offence punishable under Section 363 of the Indian Penal Code, 1860.
5. Learned counsel for the applicant submitted that the punishment imposed is for a limited period. Moreover, he has

many arguable points in the present appeal and every chance of success. The appeal would take its own time for its final decision. In the meanwhile, if sentence is executed, irreparable loss would cause to the present applicant.

6. Learned APP strongly opposed the said application on the ground that appeal is devoid of merits and liable to be dismissed.

7. Having heard learned counsel for the applicant and learned APP for the State, perused the impugned judgment. From which, the learned counsel for the applicant has pointed out that he has many arguable points in the present appeal, as well as the sentence imposed is for a limited period. If the sentence is executed, the appeal would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence in Special Case (POCSO) No. 57/2022 is hereby suspended till disposal of the appeal.
- (iii) The applicant shall be released on bail on executing PR. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

8. The criminal application (APPA) No. 689/2024 is **disposed of.**

CRIMINAL APPEAL NO. 389 OF 2024

1. Heard.
2. **ADMIT.**
3. Call for R. & P.
4. Learned Additional Public Prosecutor waives service of notice on behalf of respondent/State.
5. Place the appeal before the Court after preparation of the paper book.

[**URMILA JOSHI-PHALKE, J.**]