



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

CRIMINAL APPLICATION (APPA) NO.628 OF 2024
IN
CRIMINAL APPEAL NO.351 OF 2024

Gangaram s/o Gnyanu Chavhan

Vs.

State of Maharashtra, Through Police Station Officer, Shirpur, District
Washim

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

Court's or Judge's orders

Ms. Naina Dhoke, Advocate h/f Mr. M. B. Vaidya, Advocate for appellant.
Mr. C. A. Lokhande, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/07/2024

1. By preferring this application, the appellant is seeking suspension of sentence and releasing him on bail.

2. The applicant was prosecuted for the offence punishable under Sections 452, 354-A(1)(2), 354-B, 323, 506 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act. After recording the evidence and after appreciation of the evidence, learned trial Court held the appellant guilty for the offence punishable under Sections 452, 354-A(1)(2), 354-B, 506 of the Indian Penal Code and the maximum punishment awarded is rigorous imprisonment for one year and fine of Rs.1,000/- for the offence punishable under Section

452 of the Indian Penal Code. The appellant is also convicted for the offence punishable under Section 354-A(1)(2) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year and fine of Rs.800/-, the appellant is convicted for the offence punishable under Section 354-B of the Indian Penal Code and sentenced to suffer rigorous imprisonment for three years and fine of Rs.500/- and in default, five days simple imprisonment and the appellant is also convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer six months rigorous imprisonment and fine of Rs.500/- in default, five days simple imprisonment.

3. Learned Counsel for the appellant submitted that the punishment imposed is of a limited period. She has also pointed out from the impugned judgment that she has many arguable points, the appeal would take its own time for final disposal. In the meanwhile, if the sentence is executed, then the appeal will become infructuous.

4. Learned APP strongly opposed the said application on the ground that the appeal is devoid of merits and liable to be dismissed, in view of that application deserves to be rejected.

5. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which it reveals that

appellant has rightly pointed out that she has many arguable points, as well as the appeal would take its own time for final disposal. The punishment provided is of a limited period, in view of that, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of sentence imposed in Special Case (POCSO) No.53/2016 is suspended till disposal of the appeal.
- (iii) The appellant **Gangaram s/o Gnyanu Chavhan** shall be released on bail on executing PR bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

6. The application is disposed of.

CRIMINAL APPEAL NO.351 OF 2024

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

(URMILA JOSHI-PHALKE, J.)