



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

CRIMINAL APPLICATION (APPA) NO.635 OF 2024
IN
CRIMINAL APPEAL NO.359 OF 2024

Hafizur Ahmed Mujibar Rehman

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Yashodhara Nagar, District Nagpur

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

Court's or Judge's orders

Mr. B. H. Sheikh, Advocate for applicant/appellant.

Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 11/07/2024

1. By this application, the appellant is seeking suspension of the execution of sentence and releasing him on bail.
2. The appellant is prosecuted for the offence punishable under Sections 363, 354 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. After appreciation of the evidence, learned trial Court has convicted the appellant and sentenced him to suffer rigorous imprisonment for one year and to pay fine of Rs.3,000/- for the offence punishable under Section 363 of the Indian Penal Code also convicted under Section 8 of the Protection of Children from Sexual Offences Act and sentenced to suffer rigorous imprisonment for three years and fine

of Rs.5000/-, in default to suffer rigorous imprisonment for six months.

4. Learned Counsel for the appellant submitted that the fine amount is already deposited and placed on record the receipt of the same. He further submitted that the learned trial Court has not appreciated the evidence in proper perspective. He has many arguable points in the present appeal. He has also pointed out the said arguable points from the impugned judgment and submitted that however, the appeal would take its own time for final decision. In the meanwhile, if sentence is executed, the appeal would become infructuous.

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

6. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which the appellant has pointed out that he has many arguable points. Moreover, the punishment imposed is of a limited period, if the sentence is executed, then appeal would become infructuous. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The execution of sentence imposed in Special POCSO (Cri) Case No.145/2023 is suspended till disposal of the appeal.

(ii) The appellant **Hafizur Ahmed Mujibar Rehman** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The application is disposed of.

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(i) Heard.

(ii) **Admit.**

(iii) Learned APP waives service of notice for the State.

(iv) Call for record and proceedings.

(v) Appeal be placed before this Court after preparation of paper book.

(URMILA JOSHI-PHALKE, J.)