



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.655 OF 2024

IN

CRIMINAL APPEAL NO.371 OF 2024

(Piyush s/o Arunendra Singh Vs. The 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.P. Sonawane, Advocate for the appellants.
Ms K. Bhondge, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 18, 2024.

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

2. The appellant was prosecuted of the offence punishable under Sections 294, 323, 354, 354-D, 504, 506 and 509 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012. After appreciation of the evidence, the appellant is held guilty of the offence punishable under Section 12 of the POCSO Act and sentenced to suffer rigorous imprisonment for three years and to pay fine of Rs.3000/-, in default to suffer S.I. for three months. He is further convicted of the offence punishable under Section 294 of the IPC and sentenced to suffer R.I. for one month and to pay fine of Rs.500/- in default to suffer S.I. for seven days. The appellant is also convicted of the offence punishable under Section 323, 504 and 506 of the IPC. The maximum sentence awarded is for a period of three years.

3. Learned Counsel for the appellant submitted that the appeal would take its own time for its final disposal. He pointed out from the impugned judgement that he has many arguable points in the present appeal. Moreover, the punishment imposed is of a limited period, if sentence is executed then the appeal will become infructuous. In view of that, he prays for suspension of sentence and releasing the appellant on bail.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the appeal is devoid of merits and liable to be dismissed.

5. I have heard learned Counsel for both the parties and perused the order passed by the Additional Sessions Judge, Nagpur.

6. Considering the punishment imposed is of a limited period, the appeal would take its own time for its final decision. In the meantime, if sentence is executed the appeal will become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence vide order dated 30/04/2024 passed by the Extra Jt. District Judge and Additional Sessions Judge, Nagpur in Special Case No.108/2020

is hereby suspended till final disposal of the appeal.

(iii) The appellant Piyush s/o Arunendra Singh be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one surety, in the like amount.

7. The application stands disposed of.

CRIMINAL APPEAL NO.371 OF 2024

Heard.

2. **ADMIT.**

3. Learned APP waives notice for the State.

4. Call for R. & P.

5. Place the appeal before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)