



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

CRIMINAL APPLICATION (APPA) NO.888 OF 2024
IN
CRIMINAL APPEAL NO.519 OF 2024

Vishnu Sukhdeo Kasurkar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Rural (Rural), District Akola

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

Court's or Judge's orders

Ms. Shreya Ketkar, Counsel h/f Mr. U. J. Deshpande, Counsel for the
appellant.
Mr. U. R. Phasate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/10/2024

1. This application is for seeking suspension of sentence and releasing the appellant on bail.

2. The appellant was prosecuted for the offence punishable under Sections 323, 354-A(1)(i) and 452 of the Indian Penal Code and under Section 7 and 8 of the Protection of Children from Sexual Offences Act.

3. Learned Counsel for the appellant submitted that after recording the evidence and after appreciating the evidence, the learned Sessions Court has held the present appellant guilty and sentenced him to suffer rigorous imprisonment for three years and fine of Rs.25,000/- for the offence punishable

under Section 354-A (1)(i) of the Indian Penal Code. He is also convicted the appellant for the offence punishable under Section 452 of the Indian Penal Code and sentenced to suffer two years rigorous imprisonment and fine of Rs.5000/-. The appellant is further convicted for the offence punishable under Section 323 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/-. She submitted that the punishment imposed is of a limited period, the appeal would take its own time for its final disposal. In the meantime, if sentence is executed, the purpose of preferring the appeal would frustrate.

4. Learned APP strongly opposed the said application on the ground that the appeal itself is devoid of merits and therefore, 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 learned Counsel has pointed out that she has many arguable points in the present appeal as well as the appeal would take its own time for its final disposal. In the meantime, if sentence is executed the purpose of preferring the appeal would frustrate. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The execution of sentence imposed in Sessions Case No.28/2016 is suspended till disposal of the appeal.

(ii) The appellant **Vishnu Sukhdeo Kasurkar** 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.

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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 listed before the Court after preparation of the paper book.

(URMILA JOSHI-PHALKE, J.)