



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

CRIMINAL APPLICATION (APPA) NO. 815 of 2024

IN

CRIMINAL APPEAL NO.463 OF 2024

Mahesh s/o Gopalprasad Rahangdale

Vs.

State of Maharashtra, through PSO, PS Lakadganj, Dist. Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr G.S. Gour, Advocate for the appellant.

Mr C.A. Lokhande, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 22.10.2024

Heard learned Advocate for the appellant and
learned APP for the respondent/State.

2. This is an application filed by the
appellant/accused for suspension of substantive sentence.

3. The appellant/accused has been convicted by
the learned Additional Sessions Judge-08 Nagpur in
Sessions Case. No.309/2023 vide judgment and order
dated 09.08.2024 for the offences punishable under
Section 10 of the Protection of Children From Sexual
Offences Act, 2012 (for short, 'POSCO Act') and under
Section 354 of the Indian Penal Code (for short "I.P.C."),
he is sentenced to suffer rigorous imprisonment for five
years and to pay a fine of Rs.4,000/- and in default of

payment of fine to suffer simple imprisonment for three months for the offence punishable under Section 10 of the POCSO act and for the offence punishable under Section 354 of the I.P.C. he is sentenced to suffer rigorous imprisonment for five years and to pay a fine of Rs.4000/- and in default of payment of fine to suffer simple imprisonment for three months.

4. It is stated that during the pendency of trial appellant was on bail. There is no allegation of misuse of liberty by the appellant. It is further submitted that appellant has good case on merits. Learned Advocate submitted that considering the quantum of sentence and the fact that he is already undergone eight months sentence, it would be just and proper to suspend the sentence.

5. Learned APP for the State submitted that offence proved against the appellant is very serious. This appeal can be expedited and heard in near future.

6. On going through the record, I am satisfied that this appeal would take its own time for reaching the stage of final hearing. The appellant has already undergone eight months sentence. The purpose of the appeal may be frustrated, if the appeal is not taken up for final hearing in near future. In view of this, the

application deserves to be allowed.

7. Accordingly, the application is allowed.

i) The sentence awarded by the learned Additional Sessions Judge-08, Nagpur in Sessions Case No.309/2023 vide judgment and order dated 09.08.2024 shall remain suspended during pendency of the appeal.

ii) Appellant **Mahesh s/o Gopalprasad Rahangdale** be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and one surety in the like amount .

iii) The surety be submitted before the Trial Court.

8. Criminal Application stands disposed of.

(G. A. SANAP, J.)