



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

CRIMINAL APPLICATION NO.1022 OF 2024

IN

CRIMINAL APPEAL NO.588 OF 2024

(Shriram s/o Subhash Mude Vs. 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.K. Thengari, Advocate for the appellant.
Ms S. Thakur, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 17, 2024.

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

2. Learned Counsel for the appellant submitted that the appellant is convicted of the offence punishable under Sections 452, 354-A(1), 354-B, 376 read with Section 511 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 as well as under Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The appellant is sentenced to suffer R.I. for one year and to pay fine of Rs.1000/- for the offence punishable under Section 452 of the IPC in default to suffer S.I. for 15 days. He further sentenced to suffer RI for one year and to pay fine of Rs.1000/- for the offence punishable under Section 354-A(1) of the IPC in default to suffer S.I. for 15 days. He is also convicted and sentenced to suffer RI for three years

and to pay fine of Rs.3000/- for the offence punishable under Section 354-B of the IPC in default to suffer SI for 15 days.

3. From the impugned judgment he pointed out that he has many arguable points in the present appeal. 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, he be released on bail and the execution of sentenced be suspended.

4. Learned APP strongly opposed the application on the ground that the appeal itself is devoid of merits, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties and perused the impugned judgment from which learned Counsel for the appellant has pointed out that he has many arguable points in the present appeal. Moreover, 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. 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 24/07/2024 passed by the

Special Judge (POCSO Act), Wardha in Special (Child) Case No.72/2015 is hereby suspended till final disposal of the appeal.

(iii) The appellant – Shriram s/o Subhash Mude 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.

6. The application stands disposed of.

CRIMINAL APPEAL NO.588 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.)