



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

CRIMINAL APPLICATION (APPA) NO. 990 OF 2024
IN
CRIMINAL APPEAL NO.564 OF 2024

Sk. Mujamil s/o Sk. Jamil
Vs.

State of Maharashtra, Through Police Station Officer, Police Station City
Kotwali, Amravati (City), District Amravati

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

Court's or Judge's orders

Mr. S. B., Gandhe, Counsel for the appellant.
Mr. P. P. Pendke, APP for respondent/State.

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

1. By this application, the appellant is seeking suspension of sentence and releasing him on bail under Section 430(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.
2. Learned Counsel for the appellant submitted that the appellant was prosecuted for the offence punishable under Sections 354-D and 506 of the Indian Penal Code and under Section 11 read with Section 12 of the Protection of Children from Sexual Offences Act.
3. The learned Special Court has held him guilty for the offence punishable under Section 354-D and Section 12 of the Protection of Children from

Sexual Offences Act and sentenced to suffer simple imprisonment for one year and fine of Rs.1000/-. He submitted that 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 appeal itself is devoid of merits and liable to be dismissed.

5. After hearing the learned Counsel for the appellant and learned APP for the State, perused the impugned judgment from which learned Counsel pointed out that he has many arguable points in the present appeal. The appeal would takes its own time for its final disposal. In the meantime, if the 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 application is allowed.
- (ii) The execution of sentence imposed by the learned Special Court in Special Case No.251/2022 is hereby suspended, till disposal of the appeal.

(3)

25.appa.990.2024

(iii) The appellant **Sk. Mujamil s/o Sk. Jamil** shall be released on bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

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.)