



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

CRIMINAL APPLICATION (APPA) NO. 1058 OF 2024

IN

CRIMINAL APPEAL NO.612 OF 2024

Arif Khan @ Chuha Gulab Khan Pathan (in Jail)

Vs.

State of Maharashtra, through PSO, PS Talegaon (S.P.) Wardha

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

Mr Gajanan L. Agrawal, Advocate (appointed) for the appellant.
Mr Ganesh Umale, APP for the State.

CORAM : G.A. SANAP, J.

DATE : 27.11.2024

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 sentence and grant of
bail.

3. The appellant, on conviction, has been
sentenced to suffer rigorous imprisonment for three years
and to pay a fine of Rs.3,000/- (Rs. Three Thousand
Only) for the offence punishable under Section 8 of the
Protection of Children From Sexual Offences Act, 2012
(for short, 'the POCSO Act').

4. Learned Advocate for the appellant submits
that the appellant has good case on merits. The evidence

on record is not sufficient to prove the offence under Section 8 of the POCSO Act. The appellant has been in jail for more than 15 months. It is submitted that appeal may take its own time for final adjudication and if the appellant undergoes the sentence, then it would frustrate the very purpose of filing of the application.

5. Learned APP for the State submits that no case has been made out for suspension of sentence.

6. It is undisputed that the appellant is in jail for more than 15 months. The appeal may take its own time for final adjudication. There is substance in the submission of the learned Advocate for the appellant that very purpose of appeal would be frustrated, if the appellant undergoes the sentence awarded by the trial Court before the appeal is taken up for final hearing.

7. In my view, considering the term sentence and the part of the sentence undergone by the appellant, it would be just and proper to suspend the sentence.

8. Accordingly, the application is allowed.

i) The sentence awarded by the learned Additional Sessions Judge, Wardha, in Spl.C.No.92/2023 vide judgment and order dated 04.09.2024 shall remain suspended during pendency of the appeal.

ii) Appellant Arif Khan @ Chuha Gulab Khan

Pathan 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.

9. Criminal Application stands disposed of.

CRIMINAL APPEAL NO.612 OF 2024

1. Office to prepare the paper book expeditiously.

(G. A. SANAP, J.)

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